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[ 1] expect to be paid, I don't show up and you don't  
 [ 2] approve it, does anything happen to me?  
 [ 3] A Repeat one more time.  
 [ 4] Q Sure. If I ask you for Monday off,  
 [ 5] today being Friday, and I tell you, "Mr. Garrison,"  
 [ 6] I'm a member of your crew, "I would like to be off on  
 [ 7] Monday."  
 [ 8] A Yes.  
 [ 9] Q "I don't expect to be paid, I don't  
 [10] want to be paid, but I just need the day off."  
 [11] A Right.  
 [12] Q And you tell me no, okay? You tell me  
 [13] no, I can't do that --  
 [14] A Right.  
 [15] Q -- okay? And I don't show up to work  
 [16] on Monday, does anything happen to me?  
 [17] A Yeah, he's supposed to be written up.  
 [18] Q Okay, who writes them up?  
 [19] A I do.  
 [20] Q Tell me what happens, to the best of  
 [21] your knowledge, based on your experience, what happens  
 [22] if a catcher is injured while working on a farm  
 [23] catching chickens, hurts himself?  
 [24] A Well, we sends him in with a truck  
 [25] immediately.

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[ 1] A Yes.  
 [ 2] Q I think we have covered this, but if  
 [ 3] there is damage to the farm caused by your crew --  
 [ 4] A Yes.  
 [ 5] Q -- that is information that you fill  
 [ 6] out on the farm report --  
 [ 7] A Yes.  
 [ 8] Q -- which is Exhibit 1 to your  
 [ 9] deposition?  
 [10] A Yes.  
 [11] Q That's where you make that notation?  
 [12] A Yes.  
 [13] Q And it is your responsibility to fill  
 [14] that out?  
 [15] A Yes.  
 [16] Q Now, we covered this a little bit  
 [17] before but I just want to make sure I completely  
 [18] understand it. I think I had asked you if a crew  
 [19] leader, another crew leader such as yourself, were  
 [20] short a man --  
 [21] A Yes.  
 [22] Q -- and he needed an extra man --  
 [23] A Yes.  
 [24] Q -- he could come to you and ask you  
 [25] could you spare a man from your crew?

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[ 1] Q I'm sorry, which men do you send?  
 [ 2] A If one of the catcher hurt theirself --  
 [ 3] Q Yes.  
 [ 4] A -- his hand, something like that, we  
 [ 5] would send them to the nurse.  
 [ 6] Q Who will send him to the nurse?  
 [ 7] A I would.  
 [ 8] Q How do you do that?  
 [ 9] A I let him go in with the truck driver.  
 [10] Q Okay.  
 [11] A Most of the times.  
 [12] Q Go back to the plant?  
 [13] A Yes.  
 [14] Q Suppose it's a serious injury?  
 [15] A Well, if it real serious, either I  
 [16] would have to take him or call the ambulance.  
 [17] Q Call 911?  
 [18] A Yes.  
 [19] Q Somebody, God forbid, had a heart  
 [20] attack?  
 [21] A Yes.  
 [22] Q You wouldn't just wait for a truck,  
 [23] you'd take care of it yourself?  
 [24] A Yes.  
 [25] Q Okay. That's your decisions to make?

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[ 1] A Yes.  
 [ 2] Q Okay. And if you could spare a man  
 [ 3] from your crew, you would?  
 [ 4] A Yes.  
 [ 5] Q And you would tell the man, whoever it  
 [ 6] is, "Don't come to work for me tomorrow, go to work  
 [ 7] for this other crew leader"?  
 [ 8] A Yes.  
 [ 9] Q All right. And the same would happen  
 [10] with the other crew leaders: If you were short, you  
 [11] could go to them and ask them if they had an extra  
 [12] catcher?  
 [13] A Yes.  
 [14] Q And if they did, they would assign that  
 [15] catcher to your crew?  
 [16] A Yes.  
 [17] Q Okay. Let me ask you this, sir: Have  
 [18] you ever recommended to anybody at the company that  
 [19] one of the people who's a catcher for you be given a  
 [20] forklift job?  
 [21] A No.  
 [22] Q You have never done that?  
 [23] A No.  
 [24] Q So the forklift people that you have  
 [25] worked with since you were a crew chief since 1999, I

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[ 1] believe you said --  
 [ 2] A Yes.  
 [ 3] Q -- have always been the same?  
 [ 4] A Yes.  
 [ 5] Q Okay, let's go to the next -- before we  
 [ 6] get into the next area, when you are out there with  
 [ 7] your crews, catching, do the employees get a time to  
 [ 8] take a break?  
 [ 9] A Yes.  
 [10] Q All right. Who decides who gets to  
 [11] break when?  
 [12] A I do.  
 [13] Q Okay. Do the employees get a lunch  
 [14] period?  
 [15] A Yes.  
 [16] Q And who decides when that lunch period  
 [17] is going to be taken?  
 [18] A I do.  
 [19] Q This would be not quite as long as the  
 [20] other one, this will be Number 5, please.  
 [21] (Garrison Exhibit 5, marked for  
 [22] identification.)  
 [23] BY MR. BREWER:  
 [24] Q Mr. Garrison, the court reporter has  
 [25] given you what's been marked for identification as

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[ 1] line, and I'll read this, it says, "I have read this  
 [ 2] warning and understand the above violation. I  
 [ 3] understand that disregard of company policies could  
 [ 4] result in disciplinary action up to and including  
 [ 5] discharge." And then it continues, but it continues  
 [ 6] in Spanish.  
 [ 7] A Yes.  
 [ 8] Q So this is a disciplinary write-up that  
 [ 9] you gave to Mr. Smith?  
 [10] A Yes.  
 [11] Q And the reason is it says here he was  
 [12] not home when you went to pick him up and he did not  
 [13] call you?  
 [14] A Yes.  
 [15] Q So if he's not going to be available,  
 [16] he's supposed to call you?  
 [17] A Yes.  
 [18] Q And he did not?  
 [19] A Yes.  
 [20] Q That's a violation of the company  
 [21] rules?  
 [22] A Yes, it is.  
 [23] Q Am I reading this correctly that this  
 [24] is the second violation --  
 [25] A Yes.

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[ 1] Exhibit Number 5 to your deposition.  
 [ 2] A Uh-huh.  
 [ 3] Q Can you tell me on the first page whose  
 [ 4] handwriting this is?  
 [ 5] A Mine's.  
 [ 6] Q All right. First of all, there's a  
 [ 7] date and I believe the date is June 2nd, '03?  
 [ 8] A Yes, it is.  
 [ 9] Q What's the name of the person?  
 [10] A Jasper Smith.  
 [11] Q Who is Mr. Smith?  
 [12] A He was one of my workers.  
 [13] Q One of your catchers?  
 [14] A Yes, he was.  
 [15] Q On your crew?  
 [16] A Yes.  
 [17] Q And what does this document show?  
 [18] A I was saying that he should let me know  
 [19] when he's going to take off or call.  
 [20] Q Okay.  
 [21] A That's what I was saying.  
 [22] Q You're giving him disciplinary action,  
 [23] are you not?  
 [24] A Yes.  
 [25] Q If you go down just above the signature

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[ 1] Q -- you circled? And Mr. Smith signed  
 [ 2] it --  
 [ 3] A Yes.  
 [ 4] Q -- correct? And that is your signature  
 [ 5] where it says supervisor?  
 [ 6] A Yes.  
 [ 7] Q Okay. Page 2 of this is Mr. Smith  
 [ 8] again; is this the same Mr. Smith that was on your  
 [ 9] crew?  
 [10] A Yes.  
 [11] Q All right. And is this again a  
 [12] disciplinary warning that you have given Mr. Smith?  
 [13] A Yes.  
 [14] Q And what did he do that he shouldn't  
 [15] have done?  
 [16] A Repeat that question.  
 [17] Q What did Mr. Smith do that he shouldn't  
 [18] have done?  
 [19] A Didn't work.  
 [20] Q Okay. Well, this is your handwriting,  
 [21] sir?  
 [22] A Yes.  
 [23] Q Does it say he should let you know when  
 [24] he takes off or call?  
 [25] A Yes.

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[ 1] Q And he was not at home when you went to  
 [ 2] pick him up?  
 [ 3] A Yes.  
 [ 4] Q And this is on May 30th of '03?  
 [ 5] A Yes.  
 [ 6] Q And the one we looked at before was  
 [ 7] June 2nd of '03?  
 [ 8] A Yeah.  
 [ 9] Q So this was his first violation?  
 [10] A Yes.  
 [11] Q And the one on June 30th was his second  
 [12] violation?  
 [13] A Yes.  
 [14] Q Now, going back to the next sheet, it's  
 [15] dated May 29, '03.  
 [16] A Yes.  
 [17] Q This is your handwriting?  
 [18] A Yes, it is.  
 [19] Q And this is Mr. Smith again?  
 [20] A Yes.  
 [21] Q This is the same Mr. Smith that we have  
 [22] talked about before in the other two documents?  
 [23] A Yes.  
 [24] Q What did he do here?  
 [25] A The same thing.

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[ 1] left sometime the last of -- I think it was sometime  
 [ 2] in August.  
 [ 3] Q Of '04?  
 [ 4] A Yes.  
 [ 5] Q Okay. So from the time of June 2nd,  
 [ 6] '03 when you gave Mr. Smith his second warning, he  
 [ 7] continued to work for you and your crew?  
 [ 8] A Yes.  
 [ 9] Q Okay. And you didn't have any problems  
 [10] with him about not calling in and being at home when  
 [11] you picked him up?  
 [12] A No.  
 [13] Q Okay. The next one is a Mr. Clarence  
 [14] Heath.  
 [15] A Yes.  
 [16] Q And tell me what this document is.  
 [17] A Being work on time.  
 [18] Q Okay. Is this your handwriting, sir,  
 [19] on this page?  
 [20] A Yes, it is.  
 [21] Q And read what the violation is.  
 [22] A "Clarence was late for work. He came  
 [23] to the second stop but I told him that I did not need  
 [24] him, we went -- that we were just about done.  
 [25] Unexcused."

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[ 1] Q Okay. And this was an oral warning,  
 [ 2] though?  
 [ 3] A Yes.  
 [ 4] Q So you had first given him an oral  
 [ 5] warning about discipline?  
 [ 6] A Yes.  
 [ 7] Q Then you had given him a second  
 [ 8] warning?  
 [ 9] A Yes.  
 [10] Q A first warning and then a second  
 [11] warning?  
 [12] A Yes.  
 [13] Q Okay. Whatever happened to Mr. Smith?  
 [14] A Still work.  
 [15] Q Still working? So you were able to  
 [16] straighten him out?  
 [17] MR. MARTIN: Objection to the form of  
 [18] the question.  
 [19] MR. BREWER: Okay.  
 [20] THE WITNESS: I mean --  
 [21] BY MR. MARTIN:  
 [22] Q He's still working?  
 [23] A He still work, you know.  
 [24] Q When did you leave the company?  
 [25] A I left the company on my vacation. I

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[ 1] Q And I see the third is circled?  
 [ 2] A Yes.  
 [ 3] Q And did you circle that?  
 [ 4] A No, I didn't circle it.  
 [ 5] Q You didn't circle the number 3?  
 [ 6] A No.  
 [ 7] Q Do you know who did?  
 [ 8] A No, I don't. I didn't circle it.  
 [ 9] Q But all the other writing on here is  
 [10] yours except where it says employee's signature?  
 [11] A Yes.  
 [12] Q Okay. And then I'm looking at another  
 [13] document, it's again Mr. Heath; is this your  
 [14] handwriting?  
 [15] A Yes, it is.  
 [16] Q Can you tell me what the violation  
 [17] reads?  
 [18] A "Clarence did not work on the day  
 [19] because he say he has something to do. Unexcused."  
 [20] Q And I see second is circled?  
 [21] A Yes.  
 [22] Q Did you circle that?  
 [23] A No, I don't. No, I didn't.  
 [24] Q Okay, do you have any idea who did?  
 [25] A No, I don't.

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- [ 1] Q Is there any other writing on this page  
 [ 2] that is not your writing?  
 [ 3] A No.  
 [ 4] Q Okay. The next page, it says this is  
 [ 5] Mr. Heath again?  
 [ 6] A Yes, it is.  
 [ 7] Q Well, is all of the writing on this  
 [ 8] page yours?  
 [ 9] A Yes, besides the circle, I don't think  
 [10] I circled it.  
 [11] Q I was going to ask you --  
 [12] A I can't recall that I circled it, no.  
 [13] Q Okay. And the violation is because he  
 [14] was late for work, missed one load?  
 [15] A Yes.  
 [16] Q Okay. Let's just for a second go back  
 [17] to Mr. Smith on the very first page; I believe you  
 [18] testified -- and if you didn't, correct me now,  
 [19] please -- that you circled the second warning here?  
 [20] A No, I didn't say that.  
 [21] Q Okay, did you circle that?  
 [22] A No, I didn't.  
 [23] Q Okay. Do you have any idea who would?  
 [24] A No, I didn't.  
 [25] Q How about the next page, first warning?

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- [ 1] Q And approximately how many times  
 [ 2] through the course of a month, would you say?  
 [ 3] A I don't know, very seldom, maybe two,  
 [ 4] one, two.  
 [ 5] Q Very seldom?  
 [ 6] A Yes.  
 [ 7] Q All right. If you have to catch more  
 [ 8] houses, can you authorize the people in your crew to  
 [ 9] work overtime?  
 [10] A Repeat that one more time.  
 [11] Q If you have to catch additional birds,  
 [12] can you authorize the people in your crew to work  
 [13] overtime?  
 [14] A Can you be more specific?  
 [15] Q Okay, let me try. Shall we say after  
 [16] you finished, you and your crew have finished catching  
 [17] the chickens that you have had to catch that day --  
 [18] A Right.  
 [19] Q -- if somebody asked you if you had  
 [20] somebody, a member of your crew, a catcher, that they  
 [21] needed help, could you assign a person to go over and  
 [22] help the other crew leader?  
 [23] A I can ask.  
 [24] Q I thought we talked about -- well, you  
 [25] can ask?

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- [ 1] A No.  
 [ 2] Q And the page after that, oral warning?  
 [ 3] A No.  
 [ 4] Q So the circles, you did not circle any  
 [ 5] of the --  
 [ 6] A No, I didn't.  
 [ 7] Q Okay. But all of the other writing,  
 [ 8] with the exception of Mr. Smith's signature and the  
 [ 9] date he wrote in, and with the exception of the  
 [10] Mr. Heath's third warning the line where he refused to  
 [11] sign 12-27-02, Willie Davis, with the exception of  
 [12] those two things, all the writing on these documents  
 [13] is yours?  
 [14] A Yes.  
 [15] Q Okay. Let me ask you this question,  
 [16] sir: Have you ever assigned a member of your crew to  
 [17] operate the forklift who was not a forklift operator?  
 [18] A No.  
 [19] Q No? Did you have people on your crew,  
 [20] when you were there, who were certified as forklift  
 [21] operators?  
 [22] A No.  
 [23] Q You didn't have any? Periodically, did  
 [24] you have occasion to operate the forklift?  
 [25] A Yes, I did.

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- [ 1] A I can ask.  
 [ 2] Q So even if you could spare him, you  
 [ 3] can't assign him over there?  
 [ 4] A No.  
 [ 5] Q Okay. Can you ever require the  
 [ 6] catchers in your crew to work more than eight hours in  
 [ 7] a day?  
 [ 8] A Can you be more specific?  
 [ 9] Q I tell you what, not at this time. Let  
 [10] me try to make myself more clear because I want you to  
 [11] understand the questions.  
 [12] A Excuse me.  
 [13] Q Sure.  
 [14] A I do understand the question.  
 [15] Q Oh, okay.  
 [16] A But what I'm saying by being more  
 [17] specific, it's not an eight-hour job.  
 [18] Q No, I understand that.  
 [19] A Okay.  
 [20] Q But if you want somebody to work beyond  
 [21] what they would normally work, my question is can you  
 [22] require people to do that? Do you have the authority  
 [23] to do that?  
 [24] A I have authority for to get my job done  
 [25] that day; it may be more than eight hours.

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[ 1] Q Okay, I guess that's the answer to the  
 [ 2] question.  
 [ 3] A Yes.  
 [ 4] Q So you have authority to get your job  
 [ 5] done, however long it takes?  
 [ 6] A Right.  
 [ 7] Q Whatever the conditions that you find  
 [ 8] yourself, that's what you were talking about the  
 [ 9] initiative you'd take to make the decisions and  
 [10] everything else?  
 [11] A Yes.  
 [12] Q Okay, thank you.  
 [13] A Yes.  
 [14] Q Let's go off the record a minute.  
 [15] (Whereupon, there was a discussion held  
 [16] off the record.)  
 [17] (Whereupon, a short recess was taken.)  
 [18] MR. BREWER: If you will mark this.  
 [19] (Garrison Exhibit 6, marked for  
 [20] identification.)  
 [21] BY MR. BREWER:  
 [22] Q Mr. Garrison, I'm handing you a  
 [23] document which has been marked as Exhibit Number 6 --  
 [24] A Yes.  
 [25] Q -- to your deposition. And what I'd

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[ 1] Q -- were members of a labor union.  
 [ 2] A Yes.  
 [ 3] Q The Teamsters Local 355 --  
 [ 4] A Yes.  
 [ 5] Q -- this group? Are the catchers that  
 [ 6] are listed or the catcher job classification that's  
 [ 7] listed in Schedule B, would those be some of the  
 [ 8] catchers who worked for you?  
 [ 9] A Yes.  
 [10] Q In other words, this contract covers  
 [11] the catchers?  
 [12] A Oh, yes, yes.  
 [13] Q It covers catchers, that's what I'm  
 [14] trying to get at.  
 [15] A Yes, okay.  
 [16] Q It also covers the forklift operators?  
 [17] A Yes.  
 [18] Q And it also covers live haul truck  
 [19] drivers?  
 [20] A Yes.  
 [21] Q Okay. Now go back to page 9, if you  
 [22] would, for me, and look at Article 10, Section 1.  
 [23] A Yes.  
 [24] Q This talks about a complaint of  
 [25] grievance or a dispute which arises out of the

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[ 1] like you to do, please, is to take a look at page 9 of  
 [ 2] the document. And, by the way, when you get there --  
 [ 3] go ahead, I'll let you get there first.  
 [ 4] A I'm there. Yes.  
 [ 5] Q The title of the document says  
 [ 6] Agreement between Mountaire of Delmarva, Selbyville,  
 [ 7] and the International Brotherhood of Teamsters Local  
 [ 8] 355.  
 [ 9] A Yes.  
 [10] Q And it has an effective date of  
 [11] December 16, '01, through December 18, '04?  
 [12] A Yes.  
 [13] Q And if you look at the back of the  
 [14] document, hold on to page 9 for me, if you would, look  
 [15] near the back of the document, the next to last page.  
 [16] A Yes.  
 [17] Q It says Schedule B.  
 [18] A Yes.  
 [19] Q And it talks about catchers.  
 [20] A Yes.  
 [21] Q Those are the catchers that would have  
 [22] been in your crew? Let me maybe try to state it  
 [23] another way. We talked earlier that the catchers who  
 [24] worked in your crew --  
 [25] A Yes.

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[ 1] application or performance of the provisions of this  
 [ 2] contract. Do you see where I am?  
 [ 3] A Yes.  
 [ 4] Q Shall, in the first instance, be taken  
 [ 5] up with the aggrieved employee or employees, who shall  
 [ 6] first take the matter up with the shop steward.  
 [ 7] A Yes.  
 [ 8] Q Who in turn will take the grievance up  
 [ 9] to the foreman in charge. If one of your crew members  
 [10] had a grievance or a complaint about this contract  
 [11] being followed, would that person take that grievance  
 [12] up with you, in the first place, or with the shop  
 [13] steward?  
 [14] A He would mention it to me, yes.  
 [15] Q Okay, okay, you are the person covered  
 [16] in the first step of the grievance procedure which is  
 [17] set out in the contract, okay, thank you.  
 [18] A Yes.  
 [19] MR. BREWER: Now, I'd like this packet  
 [20] marked as Number 7.  
 [21] (Garrison Exhibit 7, marked for  
 [22] identification.)  
 [23] BY MR. BREWER:  
 [24] Q Mr. Garrison, in front of you is a  
 [25] document marked Exhibit 7 to your deposition.

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- [ 1] Q And it's 18 miles from where, from the  
 [ 2] plant in Selbyville?  
 [ 3] A It could be 18 miles from the hatchery.  
 [ 4] Q Do you know which it is?  
 [ 5] A No, I don't.  
 [ 6] Q So you don't know what the 18 miles  
 [ 7] means, it's 18 miles from where to where?  
 [ 8] A No, I don't.  
 [ 9] Q Okay. Now, the next page, I see Joe G.  
 [10] again, that's you?  
 [11] A Yes, it is.  
 [12] Q And this is the 27th --  
 [13] A Yes.  
 [14] Q -- of January, 2004. Again, the  
 [15] writing on the top where it says first man picks up  
 [16] 9:01 p.m., that's your writing?  
 [17] A Yes, it is.  
 [18] Q Last man home 9:47?  
 [19] A Yes.  
 [20] Q And you're saying its 12 hours and 48  
 [21] minutes, is that what you're saying?  
 [22] A Yes.  
 [23] Q Okay. And the other information is the  
 [24] same as before with the weight of the chicken and so  
 [25] forth, and the total amount?

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- [ 1] A Yes.  
 [ 2] Q And the miles on the second page, the  
 [ 3] Char-Lee farm, is 53 miles, okay?  
 [ 4] A Yes.  
 [ 5] Q I would like for you to explain to me  
 [ 6] how you were able to catch so many more birds at a  
 [ 7] place that is 53 miles away in less time than it took  
 [ 8] you to catch 38,000 from a farm that was only 18  
 [ 9] miles.  
 [10] A Okay. It was small birds, small  
 [11] chickens. The first bird, if you notice where it was  
 [12] number of doors, where it said number of doors?  
 [13] Q Let me see, yes, I see that.  
 [14] A Okay, 15 to a door. Look on your  
 [15] second page, numbers to door, 21 to a door.  
 [16] Q Okay.  
 [17] A Okay? Smaller chickens, you can catch  
 [18] them better than the big chickens and you get more on  
 [19] a truck. See, if you notice down the bottom, it says  
 [20] 6930, on the front page it said 4950; more chickens on  
 [21] the truck. Okay?  
 [22] Q I see.  
 [23] A And the time that we got started was on  
 [24] night shift, I got down here you see it's 11:34?  
 [25] Q Oh, is that your writing there?

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- [ 1] A Yes.  
 [ 2] Q If I go down on the lower left-hand  
 [ 3] portion of the page, I see names written with numbers.  
 [ 4] A Yes.  
 [ 5] Q And again is that the drivers?  
 [ 6] A Yes, it is.  
 [ 7] Q And the amount of birds on each truck?  
 [ 8] A Yes.  
 [ 9] Q And again, on the lower right-hand  
 [10] portion of the page, I see names written.  
 [11] A Yeah.  
 [12] Q Are those also the names of your  
 [13] catchers?  
 [14] A Yes.  
 [15] Q Okay. Now, what I would like you to  
 [16] try to explain to me, please, is if you look at the  
 [17] first page that you had, your crew caught 38,600  
 [18] birds, right?  
 [19] A Yes.  
 [20] Q And on the second, at the Char-Lee  
 [21] farm, they caught 52,101 birds, correct?  
 [22] A Yes.  
 [23] Q The mileage from wherever it's  
 [24] measured, which I understand you don't know, is 18  
 [25] miles on the first page, correct?

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- [ 1] A Yes.  
 [ 2] Q Oh, maybe I misunderstood you, go to  
 [ 3] the first page, that isn't your writing?  
 [ 4] A Yes, it is.  
 [ 5] Q Oh. Oh, that is your writing 11:30?  
 [ 6] A Yes.  
 [ 7] Q I'm sorry, I misunderstood you. So  
 [ 8] that is your writing, okay, I see that, see what  
 [ 9] you're talking about, 11:34.  
 [10] A Right. Okay?  
 [11] Q Okay.  
 [12] A So it makes a difference. When you got  
 [13] more chickens, look on your second page, where it said  
 [14] total of head count of number two house, 25,900.  
 [15] Q I'm sorry, I'm not following, where are  
 [16] you?  
 [17] A On the second page.  
 [18] Q Second page, yes.  
 [19] A Where it said 25,9-  
 [20] Q Where you said 25,9-? Oh, where it  
 [21] says 2589?  
 [22] A Yes. That house is bigger than the  
 [23] first page.  
 [24] Q Okay, I see that.  
 [25] A Okay. So you just catch them, it's

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[ 1] A Yes.

[ 2] Q And Harry's the driver who was broken

[ 3] down?

[ 4] A Right.

[ 5] Q Okay, thank you, that clears that up

[ 6] for me. I think we're done with this. Okay.

[ 7] The catchers get paid by the thousand,

[ 8] do they not; it's a piece-work basis?

[ 9] A Yes.

[10] Q That's what the contract, the previous

[11] exhibit we talked about, shows?

[12] A Yes.

[13] Q You as a crew leader, you got paid a

[14] salary, did you not?

[15] A Yes, I did.

[16] Q Okay. Do you know approximately how

[17] much a catcher makes during the course of the year?

[18] A Be specific for me.

[19] Q All right. How much would a catcher

[20] who's basically working every day and so forth and so

[21] on, how much would they normally expect to make during

[22] the course of a year, do you have any idea? I mean

[23] you were a catcher, that's why I'm asking.

[24] A Maybe 20,000 a year.

[25] Q Okay.

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[ 1] A No.

[ 2] Q Let me just have a minute.

[ 3] MR. MARTIN: You want to take a couple

[ 4] minutes? We have been --

[ 5] MR. BREWER: Oh, is it 2:30? Yeah,

[ 6] that's fine.

[ 7] (Whereupon, a short recess was taken.)

[ 8] BY MR. BREWER:

[ 9] Q Mr. Garrison, would you take Exhibit 7

[10] again for a minute for me? I just have a couple of

[11] questions.

[12] A Okay.

[13] Q Included in the times that you have

[14] recorded, the first man pick up, last man home, when

[15] you're on your way to a farm, it's normal that you

[16] would stop at a convenience store someplace to get

[17] coffee, sandwiches, whatever?

[18] A Yes.

[19] Q Things like that?

[20] A Yes.

[21] Q And that would be included in this

[22] time, correct?

[23] A Yes.

[24] Q And it's also true that on the way

[25] home, you would also stop at a convenience store type

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[ 1] A Roughly.

[ 2] Q And as a crew chief, sir, how much did

[ 3] you make?

[ 4] A Roughly 40, 35.

[ 5] Q Okay, I mean we have the records to

[ 6] show, I'm just asking you approximately. I believe

[ 7] you mentioned that you filled out the time sheets for

[ 8] the catchers --

[ 9] A Yes.

[10] Q -- correct? Every day?

[11] A Yes.

[12] Q Catchers on your crew, you filled that

[13] out every day?

[14] A Yes.

[15] Q Did you fill out any time sheet for

[16] yourself?

[17] A We was getting paid by the thousand.

[18] When I had to catch, yes, I did.

[19] Q No, no, when you became salary --

[20] A Oh, no, no.

[21] Q -- there was no time record kept of

[22] your time?

[23] A No, I didn't do it.

[24] Q No, right. And do you know of any

[25] record that was kept of your time?

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[ 1] thing and get coffee and whatever?

[ 2] A Yes.

[ 3] Q Okay. So that's included in this time,

[ 4] too, the stops for --

[ 5] A That's in some cases. Some cases, you

[ 6] just keep on going, they're ready to go home.

[ 7] Q How would we know from looking at these

[ 8] when you stop and when you didn't?

[ 9] A Right.

[10] Q I mean it is normal that you stop on

[11] the way to the farm and normal --

[12] A Right, yes.

[13] Q -- and normal that you stop on the way

[14] home?

[15] A Yes.

[16] Q All right. Can you tell me this: The

[17] last documents that were provided to us by your

[18] attorney, the last one on page OO46 has a date of

[19] March 15, '04, the last one in the pile.

[20] A Yes.

[21] Q Can you tell me why you stopped doing

[22] it on the 15th of March and you didn't do it in April,

[23] May, June, July?

[24] A February and March? It ain't a reason

[25] I stopped in March, it just, just -- I was thinking

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[ 1] that I ain't had to do all of them, you know, I  
 [ 2] just -- I just didn't.  
 [ 3] Q Did you talk with Mr. Davis about  
 [ 4] stopping?  
 [ 5] A No, no, I didn't.  
 [ 6] Q Well, did you talk to Mr. Davis about  
 [ 7] combining records like this time, first man, last man?  
 [ 8] A Yes.  
 [ 9] Q All right. You just stopped on the  
 [10] 15th, the last one you filled out was the 15th of  
 [11] March and you stopped?  
 [12] A I might have had some more but I  
 [13] throwed them away, you know, I just didn't keep them  
 [14] all, I guess. After I had a lot more, I really  
 [15] stopped -- it ain't really stopped on the 15th of  
 [16] March, I really didn't; it was more I just didn't give  
 [17] them all of them.  
 [18] Q So you still have more in your  
 [19] possession?  
 [20] A I probably do, if I don't throw them  
 [21] away. I probably throwed a lot of them away because  
 [22] it's so many of them.  
 [23] Q Well, you're keeping these records,  
 [24] sir, because you're claiming this is time that you are  
 [25] owed money for?

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[ 1] A Yes, I have.  
 [ 2] Q Okay. And this is from Mr. Doug Lynch,  
 [ 3] and can you identify who he is?  
 [ 4] A Yes, I can.  
 [ 5] Q Who is he?  
 [ 6] A My supervisor.  
 [ 7] Q Do you know if he has a title?  
 [ 8] A Live haul management.  
 [ 9] Q And this is from him to crew leaders,  
 [10] and you were a crew leader at this time?  
 [11] A Yes.  
 [12] Q Okay. And this is telling you that you  
 [13] will not receive additional pay for performing jobs  
 [14] such as catching or forklift, correct?  
 [15] A Repeat that again.  
 [16] Q This is telling you that you will not  
 [17] receive any additional pay for performing other jobs,  
 [18] and in parenthesis it says catching, forklift?  
 [19] A Yes.  
 [20] Q When you received this, was it your  
 [21] understanding that the company did not want you  
 [22] catching or operating the forklift?  
 [23] A Yeah, I understand that. But they also  
 [24] said do what you got to do to get the job done. You  
 [25] don't see it on here, no, you don't.

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[ 1] A Right.  
 [ 2] Q And what you're telling me is after  
 [ 3] March, you may have some but you may have thrown them  
 [ 4] away; why would you throw them away?  
 [ 5] A Because basically like I ain't think I  
 [ 6] need all of them, that's all, I ain't think I need all  
 [ 7] of them.  
 [ 8] Q And you made that decision on your own?  
 [ 9] A Yes, I did.  
 [10] Q You didn't talk to anybody else about  
 [11] making that decision?  
 [12] A No.  
 [13] Q Okay.  
 [14] MR. MARTIN: Let me state for the  
 [15] record that if he has more, I'll direct that he send  
 [16] them to me and we will forward them to you. It was  
 [17] our understanding we had all the records.  
 [18] MR. BREWER: I'm sure it was, and we  
 [19] weren't insinuating anything at all. The next  
 [20] document, please.  
 [21] (Garrison Exhibit 8, marked for  
 [22] identification.)  
 [23] BY MR. BREWER:  
 [24] Q This is Number 8, have you ever seen  
 [25] this before, Mr. Garrison?

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[ 1] Q Well, no, but I mean when you received  
 [ 2] this memo --  
 [ 3] A Yeah, I understand, yes.  
 [ 4] Q -- you understand that the company  
 [ 5] didn't want you catching or operating the forklift?  
 [ 6] A Yes.  
 [ 7] Q Right.  
 [ 8] MR. MARTIN: I'm going to object to the  
 [ 9] form of that question as stated. But go ahead.  
 [10] BY MR. BREWER:  
 [11] Q And if you weren't doing these things,  
 [12] you'd obviously have more time available to you to be  
 [13] doing the things that we talked about earlier, making  
 [14] sure the birds are being caught properly, and pens  
 [15] were going right, and the growers, and all of those  
 [16] things, correct?  
 [17] A Let me say this: It was my job, my  
 [18] responsibility to get the chickens in the plant.  
 [19] Q That's correct.  
 [20] A That was part of my job.  
 [21] Q We understand that.  
 [22] A And so that's what I was doing.  
 [23] Q Correct. But my point is when you got  
 [24] this memo, you were told that they didn't want you to  
 [25] be doing these things so that you could have more time

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[ 1] to get that job done, get the chickens to the plant?

[ 2] A The job got done even if I was doing

[ 3] these things.

[ 4] Q Okay. The employees who worked for

[ 5] you, the catchers, they don't evaluate themselves like

[ 6] you did, do they?

[ 7] A No.

[ 8] Q Okay. Do you evaluate them at all?

[ 9] A No, I don't.

[10] Q Okay.

[11] MR. BREWER: Let me give you this.

[12] (Garrison Exhibit 9, marked for

[13] identification.)

[14] BY MR. BREWER:

[15] Q The document in front of you, sir,

[16] which is Number 9 --

[17] A Yes.

[18] Q -- Exhibit 9 to your deposition, have

[19] you seen this before?

[20] A Yes, I have.

[21] Q If you look at the bottom of one of the

[22] pages, it will talk about salary benefits,

[23] orientation.

[24] A Yes.

[25] Q Does this list, without going through

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[ 1] MR. BREWER: Let's have this marked as

[ 2] Number 10.

[ 3] (Garrison Exhibit 10, marked for

[ 4] identification.)

[ 5] BY MR. BREWER:

[ 6] Q Just take a look at that and tell me if

[ 7] you have ever seen that before. Do you know what this

[ 8] is?

[ 9] A No, I haven't.

[10] Q If I told you that this was the

[11] benefits that the members of Local Union 355 had,

[12] including your crew members, would there be any reason

[13] for you to disagree with me?

[14] A I didn't see one of them, I haven't

[15] seen one of them.

[16] Q I understand you haven't seen this, I

[17] understand.

[18] A No, I would remember if I did.

[19] Q But if I suggest to you that these are

[20] the benefits that the members, the crew, the

[21] catchers --

[22] A Yes.

[23] Q -- the people that work for you had as

[24] part of 355, would you have any reason to disbelieve

[25] me?

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[ 1] all of this -- and you can certainly take your time

[ 2] and review this if you would like -- does this

[ 3] describe the benefits that are available to the

[ 4] salaried work force at Mountaire?

[ 5] A Let me say this -- excuse me -- let me

[ 6] say this.

[ 7] Q Yes.

[ 8] A When I got one of these, I wasn't on

[ 9] salary.

[10] Q We're coming to that.

[11] A Okay.

[12] Q But you have seen this before? When

[13] you were salaried, you have seen this book before,

[14] have you not?

[15] A Let me think about that for a minute.

[16] Q Okay, take your time.

[17] A No, I haven't.

[18] Q You haven't?

[19] A No, I haven't.

[20] Q Okay.

[21] A I can't recall of it, no, I haven't.

[22] Q Do you remember what benefits you had

[23] as a salaried employee at Mountaire?

[24] A Well ...

[25] Q All right, we'll come to that.

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[ 1] MR. MARTIN: I'm going to object to

[ 2] that question. He has already stated he is not

[ 3] familiar with this document.

[ 4] MR. BREWER: Okay, that's fine, that's

[ 5] fair enough.

[ 6] BY MR. BREWER:

[ 7] Q Next, sir, let's go to this document,

[ 8] this may be the best thing to do here.

[ 9] MR. BREWER: This is a document that we

[10] have prepared, make this Number 11.

[11] (Garrison Exhibit 11, marked for

[12] identification.)

[13] BY MR. MARTIN:

[14] Q This is a document we prepared, and I'm

[15] going to try to go through this with you. If you can

[16] answer the questions, that's fine; if you can't, just

[17] let me know that you can't.

[18] A Yes.

[19] Q Catchers who worked for you --

[20] A Yes.

[21] Q -- over on the left-hand column of this

[22] document it talks about their vacation, one week after

[23] one year, two weeks after three years, and so forth.

[24] A Yes.

[25] Q Does that seem accurate to you?

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- [ 1] A Yes.
- [ 2] Q All right. And the salaried, it's two
- [ 3] weeks after one year, three weeks after five, is that
- [ 4] accurate when you were salaried, is that the vacation
- [ 5] you were entitled to --
- [ 6] A No.
- [ 7] Q -- as a crew leader?
- [ 8] A No.
- [ 9] Q It's not?
- [10] A No.
- [11] Q All right. LTD, which stands for
- [12] long-term disability --
- [13] A Yes.
- [14] Q -- it's one-half of the salary for five
- [15] years for the hourly people, and after 90 days for the
- [16] salaried people it's 60 percent of the salary until
- [17] age 65 until totally disabled; were you aware that was
- [18] a benefit you had?
- [19] A I can't quote on that, I don't know. I
- [20] mean just -- I don't know.
- [21] Q Well, let's do the same thing on STD,
- [22] which is short-term disability; you have no idea what
- [23] your benefit was --
- [24] A No.
- [25] Q -- as a salaried crew leader?

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- [ 1] Q I'm sorry, I put the document away,
- [ 2] what are you referring to, sir?
- [ 3] A For the salary thing, it says three
- [ 4] weeks.
- [ 5] Q I'm sorry, salaried for what now?
- [ 6] A For the salary thing, it says three
- [ 7] weeks for five years, yeah.
- [ 8] Q So the vacation then that's listed here
- [ 9] for the salaried is correct?
- [10] A Salary, right, yeah.
- [11] Q Okay. And the vacation for the hourly
- [12] that's listed there is correct?
- [13] A Yes.
- [14] Q Okay, thanks for clearing that up.
- [15] A I'm sorry.
- [16] Q That's all right. Let's see, you also
- [17] receive as a crew leader an allowance for the van --
- [18] A Yes.
- [19] Q -- for your van, isn't that true?
- [20] A Yes.
- [21] Q And how much did you get for that?
- [22] A It will be 235.
- [23] Q \$235?
- [24] A Yes.
- [25] Q How often did you get that?

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- [ 1] A No, I don't.
- [ 2] Q And you have no idea what kind of life
- [ 3] insurance you were entitled to?
- [ 4] A No.
- [ 5] Q No? Do you have any idea how much you
- [ 6] paid for dependent life insurance at all?
- [ 7] A Not right off, I don't.
- [ 8] Q And the catchers, the people who work
- [ 9] for you were paid weekly, correct?
- [10] A Yes.
- [11] Q And you were paid every two weeks,
- [12] correct; the 15th and the last day of the month?
- [13] A Yes.
- [14] Q Do you remember, is that accurate?
- [15] A Yes.
- [16] Q Okay. Now let's just go back to
- [17] vacation for just a second. Are you saying that you
- [18] don't know if this is true or not, or you're telling
- [19] me this definitely is not correct?
- [20] A I know it ain't correct.
- [21] Q What?
- [22] A I say I know it's not.
- [23] Q You know this is not correct, okay.
- [24] A That's true, I'm sorry, I read it wrong
- [25] for the salary thing.

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- [ 1] A Once a week.
- [ 2] Q So you get \$235 a week for your van?
- [ 3] A Yes.
- [ 4] Q For 52 weeks of the year?
- [ 5] A Yes.
- [ 6] Q And what was that supposed to cover?
- [ 7] A It's supposed to cover my fuel and my
- [ 8] expenses.
- [ 9] Q And your expenses?
- [10] A Yes.
- [11] Q For maintaining the vehicle?
- [12] A Yes.
- [13] MR. BREWER: Can I have the next
- [14] document which is 12 marked for identification?
- [15] (Garrison Exhibit 12, marked for
- [16] identification.)
- [17] BY MR. BREWER:
- [18] Q Now again, sir, what I'd ask you to do
- [19] is just take a look at this. I'm going to go through
- [20] a couple of things and if you know the answer, please
- [21] tell me; if you don't know, you can just tell me you
- [22] don't know.
- [23] A Okay.
- [24] Q This memo was dated, by the way, in the
- [25] upper right-hand corner March 27, '01 --

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- [ 1] A Yes.
- [ 2] Q -- right? Catchers were receiving 260
- [ 3] for a thousand birds caught?
- [ 4] A Yes.
- [ 5] Q Does that sound right to you?
- [ 6] A Yes.
- [ 7] Q And the crew leaders were getting 510
- [ 8] per thousand birds caught?
- [ 9] A Yes.
- [10] Q Plus the transportation check which was
- [11] issued at 215 at that time?
- [12] A Yes.
- [13] Q The vacations, personal days, and
- [14] holidays for the catchers were based on eight hours
- [15] and paid at \$11.80 per hour?
- [16] A Yes.
- [17] Q That's how they were paid? When the
- [18] catchers went on vacation, that's how they got paid?
- [19] A Yes.
- [20] Q So in those documents we looked at
- [21] earlier, it said vacation money only; if a person
- [22] wanted vacation money only, it would be paid at the
- [23] basis of \$11.80 an hour --
- [24] A Yes.
- [25] Q -- based on this? Your vacation, the

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- [ 1] A Yes.
- [ 2] Q You were eligible for that, weren't
- [ 3] you?
- [ 4] A Yes.
- [ 5] Q And the catchers who worked for you
- [ 6] were not, were they?
- [ 7] A No.
- [ 8] Q The rest deals with the live haul
- [ 9] drivers and the forklift drivers, we don't need to get
- [10] into those.
- [11]
- [12] MR. BREWER: Mark this, please.
- [13] (Garrison Exhibit 13, marked for
- [14] identification.)
- [15] BY MR. BREWER:
- [16] Q Mr. Garrison, this is a level of
- [17] benefit levels --
- [18] A Yes.
- [19] Q -- that have been given, bonus levels
- [20] that have been given to crew chiefs --
- [21] A Yes.
- [22] Q -- which we already know the catchers
- [23] are not entitled to. If you go up at the top of the
- [24] year 2001, I see Joseph Garrison is listed.
- [25] A Yes.

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- [ 1] crew leader's vacation, was based on your 52 week
- [ 2] average?
- [ 3] A Yes.
- [ 4] Q Okay. They weren't paid on an hourly
- [ 5] basis?
- [ 6] A No.
- [ 7] Q Holidays for the crew leaders were
- [ 8] calculated at \$15 per hour for eight-hour days?
- [ 9] A Yes.
- [10] Q Okay, a crew leader did not receive
- [11] catching pay when working with a short crew, correct?
- [12] A Yes.
- [13] Q The catchers are eligible for overtime
- [14] pay?
- [15] A Yes.
- [16] Q And of course the crew leaders were
- [17] not. It says crew leaders are to list daily catcher
- [18] names and head count on daily time sheets, is that
- [19] what you were referring to earlier when we --
- [20] A Yes.
- [21] Q -- mentioned those gentlemen, that's
- [22] what you were supposed to do?
- [23] A Yes.
- [24] Q It says crew leaders are eligible for
- [25] monthly and an annual bonus, is that correct?

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- [ 1] Q And you earned a performance bonus of
- [ 2] \$309.05 for that month?
- [ 3] A Yes.
- [ 4] Q And so that we can sort of expedite
- [ 5] this, since I'm told the office closes at 3:00 here,
- [ 6] if we go out through the year, we'll see that you
- [ 7] earned in 2001 a total of \$2,282.98 for your year-end
- [ 8] bonus in that year, correct?
- [ 9] A Yes.
- [10] Q And what is that based on, sir? How do
- [11] you go about getting the bonus?
- [12] A Based on your DOAs and your head count,
- [13] and farm damage.
- [14] Q That's all?
- [15] A Yes.
- [16] Q Only those three?
- [17] A Only those three.
- [18] Q So if you were supposed to catch let's
- [19] say 30,000 chickens, and you were supposed to do that
- [20] in 7 hours and it took you 10 hours, that wouldn't
- [21] count?
- [22] A No, got nothing to do with that.
- [23] Q Just DOAs and everything else?
- [24] A Yes.
- [25] Q So it was your responsibility to make

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- [ 1] sure those things didn't happen?
- [ 2] A Yes.
- [ 3] Q Now, the bonus, it says processing
- [ 4] level three, that benefit is for supervisory people,
- [ 5] isn't that right?
- [ 6] A Yes.
- [ 7] Q Okay. Now, if we go to the next year,
- [ 8] in 2002 the bonus benefit that's available for
- [ 9] supervisory employees, your name is listed again. And
- [10] for 2002, if I'm doing this correctly, I see that you
- [11] made \$902.69 --
- [12] A Yes.
- [13] Q -- in the form of bonuses? And then in
- [14] the year 2003, you received it looks like \$1657?
- [15] A Yes.
- [16] Q Okay. And, again, the same would be
- [17] for 2004, the bonus amounts are there. So these are
- [18] bonuses that you received pursuant to the company's
- [19] bonus plans --
- [20] A Yes.
- [21] Q -- for salaried supervisory employees?
- [22] A Yes.
- [23] Q And you got that bonus? The catchers
- [24] who worked for you did not get this, did they?
- [25] A No.

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- [ 1] A Only twice.
- [ 2] Q Only twice in four years; 50 percent.
- [ 3] (Garrison Exhibit 14, marked for
- [ 4] identification.)
- [ 5] BY MR. BREWER:
- [ 6] Q On Number 14, you will see some writing
- [ 7] in the upper left-hand corner that was done before
- [ 8] this, that is my handwriting, just to clarify things.
- [ 9] Did you receive this memo, sir?
- [10] A Yes, I did.
- [11] Q And it's a mandatory meeting for all
- [12] management which says includes crew leaders, correct?
- [13] A Yes.
- [14] Q Did you attend that meeting?
- [15] A Yes, I did.
- [16] Q Okay. The company has Christmas
- [17] parties, are you aware of that basically?
- [18] A Yes.
- [19] Q Do they have one for the hourly people?
- [20] A No.
- [21] Q No? Did they have one for the salaried
- [22] people?
- [23] A Yes.
- [24] Q Have you been invited to a party?
- [25] A Yes.

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- [ 1] Q Now, in addition to these monthly
- [ 2] bonuses, you also got an annual bonus, did you not?
- [ 3] A A yearly bonus, you're talking about?
- [ 4] Q A yearly bonus, right.
- [ 5] A Twice.
- [ 6] Q But I mean you did get those bonuses?
- [ 7] A Yes, I did.
- [ 8] Q The annual bonus is basically based on
- [ 9] how the plant did, correct --
- [10] A Yes.
- [11] Q -- over the course of the year?
- [12] A Yes.
- [13] Q The monthly bonuses are based on what
- [14] you mentioned, the DOAs and things like that?
- [15] A Yes.
- [16] Q So in addition to these monthly
- [17] bonuses, you also got an annual bonus --
- [18] A Yes.
- [19] Q -- as a crew leader?
- [20] A Yes.
- [21] Q That's part of the supervisory benefit?
- [22] A Yes.
- [23] Q Supervisory bonus thing?
- [24] A Yes.
- [25] Q And you got that twice, you said?

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- [ 1] Q Have you gone?
- [ 2] A Yes.
- [ 3] Q You have?
- [ 4] (Garrison Exhibit 15, marked for
- [ 5] identification.)
- [ 6] BY MR. BREWER:
- [ 7] Q This is the 2003 supervisory Christmas
- [ 8] dinner?
- [ 9] A Yes.
- [10] Q Under Mr. Lynch, the Joe Garrison
- [11] that's reflected, is that you?
- [12] A Yes, it is.
- [13] Q Did you go to this Christmas party?
- [14] A Yes, I did.
- [15] Q Take a quick look at the names on the
- [16] list and see if you can tell me if there's anyone here
- [17] who is not a supervisor.
- [18] A No.
- [19] Q Okay. The next page is the Christmas
- [20] dinner for 2002, which apparently was held at the
- [21] Holiday Inn in Ocean City.
- [22] A Yes.
- [23] Q It says 2002, it's 2001 I guess up
- [24] here. Did you attend that meeting also?
- [25] A Yes, I did.

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[ 1] Q You went to that party?

[ 2] A Yes.

[ 3] Q The next page is a list for the 2001

[ 4] Christmas dinner invitation?

[ 5] A Yes.

[ 6] Q Again, under Mr. Lynch, your name, Joe

[ 7] Garrison, is that you?

[ 8] A Yes, it is.

[ 9] Q And did you go to that supervisory

[10] Christmas party?

[11] A Yes, I did.

[12] Q Is there anybody here on this list that

[13] you can tell me is not a salaried supervisor?

[14] A No, no.

[15] Q Okay. Did you have a good time, by the

[16] way?

[17] A Yes, I did.

[18] Q Good, all right. Now --

[19] MR. MARTIN: Excuse me, I should have

[20] had him plead the 5th in Mr. Lynch's presence here.

[21] BY MR. BREWER:

[22] Q Okay, now, we have talked about this, I

[23] just want to be sure: On your crew, you have seven

[24] catchers and a forklift operator?

[25] A Yes.

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[ 1] A The way I did it, I would bring an

[ 2] extra man when we got a lot of chickens and big birds;

[ 3] I didn't do it all the time, you know.

[ 4] Q But whether to rotate or not to rotate,

[ 5] that was your decision?

[ 6] A Yes.

[ 7] Q And how it was to be done, it was you

[ 8] decided how it was going to be done depending on the

[ 9] number of birds and size of the birds?

[10] A Yes.

[11] Q That was your decision?

[12] A Yes.

[13] Q Another crew leader might have done it

[14] differently?

[15] A Yes.

[16] Q Okay, let me just see now. The

[17] Complaint, sir, I don't know if you have it in front

[18] of you as an exhibit. Let me give you this, this is

[19] the Complaint, I think you have seen this.

[20] A Yes, I have.

[21] Q I have a copy for you if you want it, I

[22] figured you would have a copy.

[23] MR. BREWER: I want it marked, please.

[24] (Garrison Exhibit 16, marked for

[25] identification.)

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[ 1] Q You also carry sometimes an extra

[ 2] catcher, do you not?

[ 3] A Yes.

[ 4] Q And the reason you carry the extra

[ 5] catcher is so people can be given a day off?

[ 6] A Not a day off, but a break.

[ 7] Q A break?

[ 8] A Yes.

[ 9] Q When you say a break, what do you mean?

[10] A One guy might sit down, take a break.

[11] You know, his hands hurt, sometimes their hands get

[12] hurt.

[13] Q Oh, I see.

[14] A You know, and then he'll fill in.

[15] Q Okay.

[16] A That's all.

[17] Q And do you rotate, do you rotate that

[18] person?

[19] A Yes.

[20] Q So, for example, on one day if I were a

[21] member of your crew, I might be the extra man to be

[22] used to rotate, and the next day it might be somebody

[23] else?

[24] A Sometime I do it that way.

[25] Q How did you do it?

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[ 1] BY MR. BREWER:

[ 2] Q Go to paragraph 23 of the Complaint is

[ 3] what I'm looking at, I'm not quite sure what page it's

[ 4] on.

[ 5] MR. MARTIN: There's no page indicated;

[ 6] it's about the third or fourth one in, though.

[ 7] MR. BREWER: Yes, paragraph 23

[ 8] BY MR. BREWER:

[ 9] Q It states that the defendant, which is

[10] the company, follows and continues to follow a

[11] corporate policy and/or practice that requires the

[12] plaintiffs, which is you, sir, to submit a daily time

[13] sheet broken down for each day of the week.

[14] A Yes.

[15] Q You're required to submit a time sheet?

[16] A Yes.

[17] Q I thought you said no record was kept

[18] of your time.

[19] A For the men.

[20] Q Oh, for the men, okay. So what this

[21] means is a daily time sheet is broken down for the

[22] men?

[23] A For the men.

[24] Q Okay, thank you. Let's go to number

[25] 24. This talks about the three-year period, and it

A-0171

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[ 1] Q And that's where you pick them up?

[ 2] A Right.

[ 3] Q And then when you do that, when you go

[ 4] the route that you gave us from your place to

[ 5] Selbyville to Mr. West, and then to Mr. Savage where

[ 6] you pick up at the place in Millsboro did you say?

[ 7] A Yes.

[ 8] Q And then you go to get Mr. Smith and

[ 9] that route, how long does that take you?

[10] A Well, just picking them up?

[11] Q Yes.

[12] A Two hours.

[13] Q Two hours? Now, I understand some of

[14] these are slightly different, but if you went on a

[15] computer, driving with Map Quest it's about an hour.

[16] A Oh, no, it's impossible. It's

[17] impossible.

[18] Q Okay.

[19] A No.

[20] Q You don't have to take my word for it,

[21] just MapQuest.com.

[22] A It's impossible.

[23] Q I understand. All right, let's see, I

[24] can put this back. Okay, go back to the Complaint,

[25] sir, the one that you have there.

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[ 1] Q That's not your testimony?

[ 2] A No.

[ 3] Q You do receive your full salary if you

[ 4] take a half a day off?

[ 5] A If I have to go to the doctor or

[ 6] something like that, yes.

[ 7] Q You get your full salary?

[ 8] A Yes.

[ 9] Q Okay. And if you have to do something

[10] else, if it's not the doctor, if it's something else,

[11] if you take any less than a full day off, your salary

[12] for the week remains the same, does it not? Your

[13] paycheck for the two weeks that you get paid remains

[14] the same?

[15] A Yes, yes.

[16] Q Thank you. Okay. Let's see, let's go

[17] to the next one which would be paragraph 27 of the

[18] Complaint. This speaks to, and you can read it, I

[19] won't read it into the record, it's part of the

[20] record, this says that you would receive a reduction

[21] in the amount of your compensation because of

[22] violations in the quantity of the work performed.

[23] Was your salary ever reduced because of

[24] the quantity of the work you performed?

[25] A I'm trying to think. What are you on,

Page 210

[ 1] A Got you.

[ 2] Q If you go to paragraph 26, please,

[ 3] which is on the next page.

[ 4] A Yes.

[ 5] Q It speaks to, in paragraph 26th, it

[ 6] says the defendant, which again is the company,

[ 7] followed and enforced and continued to follow and

[ 8] enforce a corporate policy and practice of partial day

[ 9] deduction in that any partial time taken off from

[10] normal working hours by any of the plaintiffs, such as

[11] yourself, okay, other than established holidays was

[12] deducted from their pay. All right, let's stop at

[13] that point.

[14] A All right.

[15] Q Can you tell me, this is a partial day,

[16] this is if you're going to take off a half a day,

[17] shall we say, okay?

[18] A Yes.

[19] Q You need to take off a half a day, and

[20] it's not a holiday and it's not a sick day.

[21] A Right.

[22] Q Is it your testimony that you do not

[23] receive your full salary for that week if you take

[24] half a day off?

[25] A No.

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[ 1] 27?

[ 2] Q I'm on 27, yeah. Maybe we'll just read

[ 3] it together. It says, "Because of the Defendant's

[ 4] policy or practice as described in paragraph 24

[ 5] super," which means in above, "the plaintiff," such as

[ 6] yourself, okay, "were subject to partial day

[ 7] deductions for partial time off from normal work

[ 8] hours."

[ 9] Now, you already told me that if you

[10] took less than a day, a full day off, your pay wasn't

[11] docked, you get the same salary, correct?

[12] A Right.

[13] Q Okay. Then it says, "Whereby they

[14] directly received a reduction in the amount of

[15] compensation because of violations in the quantity of

[16] the work performed." Was your pay ever docked because

[17] of violations in the quantity of the work you

[18] performed?

[19] A No.

[20] Q Okay. Let's go off the record for a

[21] moment.

[22] (Whereupon, there was a discussion held

[23] off the record.)

[24] BY MR. BREWER:

[25] Q Let's go to 32. This speaks to being

A-0172



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[ 1] forced to use your personal automobiles for pick-up,  
 [ 2] transport, and so forth?  
 [ 3] A Yes.  
 [ 4] Q I'll let you take a minute and read  
 [ 5] that, if you would, I just have a couple questions  
 [ 6] about that.  
 [ 7] A Okay.  
 [ 8] Q Okay? I think you mentioned to us you  
 [ 9] received a payment every week for your vehicle which  
 [10] covers your full expenses, correct?  
 [11] A Yes.  
 [12] Q And the last number you gave me was  
 [13] what, I forget?  
 [14] A 235.  
 [15] Q 235?  
 [16] A Yes.  
 [17] Q Do you know if it's more now or not?  
 [18] A I'm not there.  
 [19] Q Well, I understand you're not, I was  
 [20] just asking if you do know?  
 [21] A No, I don't know.  
 [22] Q The 235, when did you get that, in  
 [23] 2004?  
 [24] A Yes, I did.  
 [25] Q Was it somewhat less the year before?

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[ 1] Q And that's what you use?  
 [ 2] A Yes.  
 [ 3] Q Okay, that's fine. Now, the next item,  
 [ 4] and this is really just for purposes of the record,  
 [ 5] the Complaint says -- and I don't expect you to know  
 [ 6] anything about this; if you do, that's fine, if you  
 [ 7] don't, that's also fine -- the Complaint says in  
 [ 8] paragraph -- mark this.  
 [ 9] (Garrison Exhibit 16, marked for  
 [10] identification.)  
 [11] **BY MR. BREWER:**  
 [12] Q The Complaint says that we were put on  
 [13] notice by your counsel, Mr. Martin, by a letter dated  
 [14] February 27, 2004 and, if I'm not mistaken, isn't  
 [15] that close to the day that you wrote Mr. Martin's name  
 [16] down on your time sheet? The record will speak for  
 [17] itself. And it says we have continued such policies.  
 [18] Have you seen this document that's in front of you  
 [19] now?  
 [20] A No.  
 [21] Q I didn't expect you to see it, okay.  
 [22] This is a letter from me to Mr. Martin, responding to  
 [23] his letter of February 27.  
 [24] A Yes.  
 [25] Q Dated March 5. Let's see. Paragraph

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[ 1] A I can't recall. I know it was in 2004.  
 [ 2] Q What I'm trying to get at is it  
 [ 3] increases?  
 [ 4] A Yes.  
 [ 5] Q It increases every year?  
 [ 6] A It increases not every year.  
 [ 7] Q Okay, not every year?  
 [ 8] A No.  
 [ 9] Q But it does increase, okay. Now, when  
 [10] it comes to the vehicle, who chooses what vehicle to  
 [11] buy? If you're going to go out and buy a vehicle that  
 [12] you're going to use in work --  
 [13] A I do.  
 [14] Q -- you choose what vehicle you buy,  
 [15] right?  
 [16] A Yes.  
 [17] Q The kind of vehicle you can buy, the  
 [18] color?  
 [19] A Yes.  
 [20] Q You choose all that?  
 [21] A Yes.  
 [22] Q Whether you want leather or not,  
 [23] whether you want automatic windows or roll up, all of  
 [24] those decisions are made by you?  
 [25] A Yes.

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[ 1] 34 of the Complaint says that when the defendant  
 [ 2] learned of plaintiff's intentions to seek counsel, we  
 [ 3] immediately retaliated against plaintiffs, threatened  
 [ 4] plaintiffs with termination of their employment if  
 [ 5] they continued to pursue, okay?  
 [ 6] A Yes.  
 [ 7] Q Now, first of all, I want you to tell  
 [ 8] me when this occurred; what time are we talking about  
 [ 9] here?  
 [10] A I don't know what time. You're on  
 [11] paragraph 34, right?  
 [12] Q I'm on paragraph 34. Mr. Martin wrote  
 [13] a letter to the company on February 27th, I responded  
 [14] on March 5.  
 [15] A I don't know exactly what time it was.  
 [16] Q Was it in February, can you tell me?  
 [17] You may not be able to tell me the exact date, sir;  
 [18] can you tell me the month?  
 [19] A I can't recall the month.  
 [20] Q You can't even recall the month?  
 [21] A No, I can't.  
 [22] Q Okay, all right. Who is the one who  
 [23] retaliated against you and threatened you with  
 [24] termination?  
 [25] A At Z.

A-0173

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[ 1] Q Al Z.  
 [ 2] (Whereupon, there was a discussion held  
 [ 3] off the record.)  
 [ 4] BY MR. BREWER:  
 [ 5] Q We're talking about Mr. Al Z. is the  
 [ 6] person who threatened you?  
 [ 7] A Yes.  
 [ 8] Q What did Mr. Al Z. say to you, sir?  
 [ 9] A Well, he came out on the farm and  
 [10] issued me this letter, saying that if I don't make  
 [11] them guys sit down and take a half-hour lunch, I would  
 [12] be terminated.  
 [13] Q And he did this after you filed the  
 [14] lawsuit?  
 [15] A Yes.  
 [16] Q Well, let's talk about that for a  
 [17] minute, Mr. Garrison. You are aware, are you not,  
 [18] that the catchers, the people who worked for you,  
 [19] filed a lawsuit claiming that they were entitled to  
 [20] some overtime compensation, correct?  
 [21] A Yes.  
 [22] Q You know that?  
 [23] A Yes.  
 [24] Q All right. And you know the reason for  
 [25] their claim was that the time sheet that you, as the

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[ 1] you of that, you took that as a threat because --  
 [ 2] A Yes, I did, because he said it -- the  
 [ 3] reason why I took that as a threat because he said --  
 [ 4] actually he told it on himself, he said it's not a  
 [ 5] threat. I mean it --  
 [ 6] Q Okay.  
 [ 7] A So that's telling me -- what it's  
 [ 8] telling me?  
 [ 9] Q Well, I don't know.  
 [10] A Okay. Good question.  
 [11] Q I don't know. What it would tell you  
 [12] and what it would tell me might be different things.  
 [13] But you don't know when this is?  
 [14] A I can't recall the month, no, I can't.  
 [15] Q So you don't know if it was before the  
 [16] lawsuit or after?  
 [17] A No; it was after the lawsuit, yes.  
 [18] Q It was after the lawsuit?  
 [19] A Yes.  
 [20] Q So this occurred then in June, after  
 [21] June?  
 [22] A Approximately.  
 [23] MR. MARTIN: All right, let me  
 [24] interpose an objection.  
 [25] MR. BREWER: Sure.

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[ 1] crew chief, crew leader, filled out, had an automatic  
 [ 2] deduction of one-half an hour for lunch, right?  
 [ 3] A Yes.  
 [ 4] Q And as a practical matter, the people  
 [ 5] weren't taking that half-an-hour for lunch, were they?  
 [ 6] A Yes.  
 [ 7] Q They were taking the half-hour for  
 [ 8] lunch?  
 [ 9] A Well, yes, because if we waiting on a  
 [10] truck, we still taking the half-hour lunch.  
 [11] Q Well, the lawsuit was settled on the  
 [12] basis that the people were working through their lunch  
 [13] and were never getting the half-hour paid lunch; are  
 [14] you aware of that?  
 [15] A Yes, I am.  
 [16] Q You're aware of that?  
 [17] A Yes.  
 [18] Q And isn't that what Mr. Al Z. made sure  
 [19] that you and every other crew leader understood, that  
 [20] these people are in fact to take time off for one-half  
 [21] hour for lunch, they're not to work through lunch?  
 [22] A I understood that.  
 [23] Q You understood that?  
 [24] A Yes, I did.  
 [25] Q All right. So when Mr. Al Z. reminded

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[ 1] MR. MARTIN: You keep mentioning the  
 [ 2] lawsuit. As you well understand, there was  
 [ 3] correspondence prior to actually filing suit.  
 [ 4] MR. BREWER: Yes.  
 [ 5] MR. MARTIN: You and I understand that,  
 [ 6] I'm not sure Mr. Garrison does.  
 [ 7] MR. BREWER: Okay, I'll be more than  
 [ 8] happy to try to clear that up.  
 [ 9] BY MR. BREWER:  
 [10] Q What your counsel is saying is that in  
 [11] February, February 27th of '04, he wrote a letter to  
 [12] the company saying that he thought that you were not  
 [13] being properly compensated.  
 [14] On March 5, I responded on behalf of  
 [15] the company, saying you were being properly  
 [16] compensated; you were supervisory and exempt under the  
 [17] Fair Labor Standards Act, okay? The lawsuit, this  
 [18] litigation, was filed on June 18, 2004, okay?  
 [19] A Yes.  
 [20] Q My question to you, sir, is in a time  
 [21] frame, you're claiming Mr. Al Z. threatened you --  
 [22] A Yes.  
 [23] Q -- with loss of your job, as it says in  
 [24] this Complaint, okay?  
 [25] A Yes.

A-0174

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[ 1] Q It says when the defendant learned of  
 [ 2] plaintiff's intentions to seek counsel, we immediately  
 [ 3] retaliated and threatened plaintiffs; that's what this  
 [ 4] says.  
 [ 5] A Yes.  
 [ 6] Q Okay. Now I want you to tell me when  
 [ 7] that was, because that's important.  
 [ 8] A Right off the hand, I don't know exact  
 [ 9] time or month, I just don't know right offhand.  
 [10] Q So you can't tell me whether it was in  
 [11] February?  
 [12] A I know it was said.  
 [13] Q Okay, but you can't tell me whether it  
 [14] was February?  
 [15] A No, I can't.  
 [16] Q Or March?  
 [17] A No, I can't.  
 [18] Q Or April?  
 [19] A No, I can't.  
 [20] Q Or May, or June?  
 [21] A No.  
 [22] Q But you know it was threatened?  
 [23] A Yes.  
 [24] Q All right. And where did that occur?  
 [25] A On the farm.

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[ 1] A It's in Maryland.  
 [ 2] Q In Maryland?  
 [ 3] A I can't think of the name of the farm,  
 [ 4] man.  
 [ 5] Q Okay. Was anybody else present?  
 [ 6] A David Nuse.  
 [ 7] Q He was also present?  
 [ 8] A Yes.  
 [ 9] Q Did Mr. Nuse say anything to you?  
 [10] A No.  
 [11] Q He didn't say anything?  
 [12] A Al Z. done the talking.  
 [13] Q So it was just you, Mr. Nuse, and  
 [14] Mr. Al Z.?  
 [15] A Yes.  
 [16] Q No one else was present?  
 [17] A No.  
 [18] Q Okay. Did anybody else ever threaten  
 [19] you with termination?  
 [20] A No.  
 [21] Q And this occurred only one time?  
 [22] A Yes.  
 [23] Q All right. Did anybody threaten to  
 [24] retaliate against you? Because it says that they did.  
 [25] A Be -- can you be specific with that?

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[ 1] Q Which farm?  
 [ 2] A I was to -- I'm trying to think of the  
 [ 3] name of the farm. I know where I was at. What's the  
 [ 4] name of that farm? I can't think of the name of the  
 [ 5] farm. I know it's on a farm.  
 [ 6] Q You took Mr. Al Z.'s comments  
 [ 7] seriously, did you not?  
 [ 8] A Yeah.  
 [ 9] Q I assume you did.  
 [10] A Of course.  
 [11] Q Yeah. But you don't know when it  
 [12] happened, and you can't tell me where it happened?  
 [13] A I can't think of the name of the farm.  
 [14] Q Okay.  
 [15] A I can carry you to the farm, but I  
 [16] can't think of the name of the farm.  
 [17] Q But how many farms are there in --  
 [18] A I know that one, but I just can't think  
 [19] of the name of the farm. I know it was in Westover,  
 [20] out there to the landfill, I can't think of the name  
 [21] of the farm.  
 [22] Q So the location of the farm is where?  
 [23] A Is like you're going to the landfill  
 [24] on -- I'm trying to think, it's --  
 [25] Q On Route 20?

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[ 1] Q Well, all I'm reading is what's been  
 [ 2] alleged in the Complaint; it said we immediately  
 [ 3] retaliated against you. Did anything bad happen to  
 [ 4] you after, has anything bad happened to you outside of  
 [ 5] what you just told me?  
 [ 6] A No, not bad, no. No.  
 [ 7] Q Okay. So what we have then is the  
 [ 8] threat that you have just described?  
 [ 9] A Yes.  
 [10] Q Okay. Now, the next paragraph talks  
 [11] about receiving the final warning before termination;  
 [12] is that the warning that you referred to about making  
 [13] sure that the catchers received a 30-minute lunch  
 [14] break?  
 [15] A Yes.  
 [16] Q That's what that refers to?  
 [17] A Yes.  
 [18] Q So you and all other crew leaders were  
 [19] given that same warning?  
 [20] A Yes. Yes.  
 [21] Q At the same time?  
 [22] A That, I don't know.  
 [23] Q All right. Let me ask you this: After  
 [24] the catcher lawsuit was disposed of, did the people on  
 [25] your crew always take a half-an-hour for lunch, or did

A-0175

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[ 1] they sometimes work through their lunch?

[ 2] A We always took a lunch.

[ 3] Q You always took a lunch?

[ 4] A Yes.

[ 5] Q Let me just ask this question this way,

[ 6] Mr. Garrison, because this is interesting: Is it your

[ 7] testimony that the people on your crew from the time

[ 8] you became a crew leader always took a half-an-hour

[ 9] lunch each and every day they worked?

[10] MR. MARTIN: I'm going to object to the

[11] question. You can go ahead and answer, though.

[12] BY MR. BREWER:

[13] Q That you never worked through lunch?

[14] A We always ate.

[15] Q Listen to my question. Did you and

[16] your crew always take one-half hour out, stop working,

[17] stop working for one-half hour, and eat lunch?

[18] A Yes, we did.

[19] Q Always?

[20] A We always ate.

[21] Q You always took the half-an-hour? I'm

[22] not saying you always ate.

[23] A We always -- it might have been 35

[24] minutes, could have been 40 minutes, but we always

[25] took a lunch.

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[ 1] going to be terminated, why would that be threatening

[ 2] to you? Your people were taking their lunch.

[ 3] A Because it's a lawsuit that they did,

[ 4] is that what you're saying?

[ 5] Q No, what I'm asking you is in paragraph

[ 6] 35 --

[ 7] A I know what you're saying.

[ 8] Q -- it says you received verbal

[ 9] harassment and/or were issued a final warning before

[10] termination in an attempt to threaten plaintiffs; I

[11] want to ask you the final warning, is that the final

[12] warning that you and all the other crew leaders got --

[13] A Yes.

[14] Q -- for making sure your people took

[15] one-half-an-hour lunch?

[16] A Yes.

[17] Q That's the one we're referring to?

[18] A That's it.

[19] Q And crew leaders who were not part of

[20] this lawsuit also got that letter, did they not?

[21] A Not --

[22] MR. MARTIN: I'm sorry, letter, what

[23] letter?

[24] BY MR. BREWER:

[25] Q The warning, the final warning.

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[ 1] Q But you always took at least a

[ 2] half-an-hour, maybe sometimes more, stopped working

[ 3] and ate lunch?

[ 4] A Yes.

[ 5] Q And you never worked through lunch?

[ 6] MR. MARTIN: Same objection.

[ 7] BY MR. BREWER:

[ 8] Q Okay.

[ 9] A It's according on -- it's according on

[10] what shift that I'm on. Because if I only have -- if

[11] I'm on a 2:00 o'clock in the afternoon shift, if I

[12] only have three loads, you know, you're done before

[13] you even have lunch, so no on that deal. It according

[14] to what shift I was on.

[15] You asking me a question that's not

[16] available because I could be on a different shift; and

[17] if you on a different shift, if you don't got but like

[18] four loads or five loads, the time you get them, it is

[19] lunch.

[20] Q Okay. Well, then, let me ask you this:

[21] If you're telling me, which I understand you to be

[22] telling me, that your people, with the exception of

[23] the time you have just mentioned now, were always

[24] taking 30 or 40 minutes lunch, and you were told if

[25] the people don't take 30 or 40 minutes lunch you're

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[ 1] A I got the letter.

[ 2] Q You got the letter?

[ 3] A Not the catchers.

[ 4] Q No, no, I'm saying the crew leaders --

[ 5] A Right.

[ 6] Q -- they all got them?

[ 7] A Yes.

[ 8] Q Even people who are not part of this

[ 9] lawsuit that we're here today about?

[10] MR. MARTIN: Objection; he has no way

[11] of knowing that.

[12] THE WITNESS: No, no, no.

[13] MR. BREWER: Well, he knows --

[14] THE WITNESS: No, no.

[15] BY MR. BREWER:

[16] Q So you're telling me it's only the

[17] people who are listed here that got that final

[18] warning, is that your testimony?

[19] A All the crew leaders, yes, they did.

[20] Q All the crew leaders?

[21] A Yes.

[22] Q Okay. I believe I was asking you about

[23] the final warning.

[24] A Yes.

[25] Q And you said you felt threatened by it.

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[ 1] A Uh-huh.

[ 2] MR. MARTIN: The answer is yes, right?

[ 3] THE WITNESS: Yes.

[ 4] BY MR. BREWER:

[ 5] Q And my question is I don't understand

[ 6] why you would have felt threatened if, as you tell me,

[ 7] your people were always taking at least a half-an-hour

[ 8] off for lunch.

[ 9] A Because how he was telling me, that's

[10] how. Ain't got nothing to do with my people, had

[11] something to do with how he's telling me, his actions.

[12] Q All right. Okay, let's move on. The

[13] next paragraph talks about many of the plaintiffs have

[14] been cornered by management personnel and questioned

[15] regarding their discussions with counsel, which would

[16] be Mr. Martin; have you ever been cornered by anybody

[17] from management?

[18] A No.

[19] Q No?

[20] A No.

[21] Q Okay, so it doesn't apply to you. Next

[22] paragraph says that apparently there was a meeting

[23] between the plaintiffs and counsel on a Saturday

[24] morning, and that plaintiffs recognized vehicle or

[25] vehicles owned or operated by the defendant's upper

Page 231

[ 1] Q What time?

[ 2] A I'm thinking it was 9:00 o'clock, I

[ 3] think.

[ 4] Q Now, did you recognize a vehicle owned

[ 5] by the defendant's upper management circling the

[ 6] parking lot?

[ 7] A Yes.

[ 8] Q Did you see that?

[ 9] A Yes.

[10] Q Who was driving the vehicle?

[11] A Phil Owens.

[12] Q Phil Owens was driving the vehicle?

[13] A Yes.

[14] Q And you saw him circling in the parking

[15] lot?

[16] A Yes.

[17] Q Now, what makes you think it was about

[18] your lawsuit?

[19] A I don't know, good question.

[20] Q This is prior to Mr. Martin's letter,

[21] isn't it?

[22] A Right.

[23] Q Mr. Owens had no idea anything was

[24] going on?

[25] A I don't know that.

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[ 1] management personnel circling in the parking lot of a

[ 2] diner.

[ 3] A Yes.

[ 4] Q This is the meeting that you talked

[ 5] about earlier --

[ 6] A Yes.

[ 7] Q -- with Mr. Martin?

[ 8] A Yes.

[ 9] Q And you were told to keep time sheets?

[10] A Yes.

[11] Q Okay. And that's when you mentioned

[12] the other gentlemen who were plaintiffs in this case

[13] were also at that diner?

[14] A Yes.

[15] Q Where is this diner located?

[16] A Doyle's Restaurant.

[17] Q And where is that?

[18] A Selbyville.

[19] Q That's in Selbyville?

[20] A Yes.

[21] Q Okay, is it close to the plant?

[22] A Yes.

[23] Q Okay. And when did you meet, in the

[24] morning?

[25] A Yeah, Saturday morning.

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[ 1] Q Well, it's prior to Mr. Martin's

[ 2] letter?

[ 3] A Yes.

[ 4] Q So what you see is Mr. Owens driving

[ 5] around --

[ 6] A Yes.

[ 7] Q -- at a diner that is open to the

[ 8] public? People can come in there and have breakfast,

[ 9] anybody?

[10] A Yes.

[11] Q Okay. So what you see is him driving

[12] around, and that's what you're referring to here?

[13] A Yes.

[14] Q You're sure it was Mr. Owens?

[15] A I think it was Mr. Owens, yes.

[16] Q Is that the only time that this is

[17] referring to?

[18] A Yes.

[19] Q Okay. What kind of car did you see

[20] Mr. Owens driving?

[21] A I think it was a gray car.

[22] Q What kind?

[23] A Ford, Mountaire Ford.

[24] Q A gray Mountaire Ford?

[25] A Yes.

A-0177

EMPLOYEE WARNING NOTICE  
NOTIFICACION DE ADVERTENCIA AL EMPLEADO

NAME/ NOMBRE: Jasper Smith DATE/ FECHA: 6 / 2 / 03

SOCIAL SECURITY NUMBER/ NUMERO DE SEGURO SOCIAL:

DEPARTMENT/ DEPARTAMENTO: Time Haul

DATE OF HIRE/ FECHA DE CONTRATACION: 1 / 1

COMPANY POLICY/ POLITICA DE LA COMPANIA: He should let me  
no when he take off or Call

VIOLATION/ VIOLACION: Jasper was not home when  
I went to Pick him up or he did  
not Call

ACTION/ ACCION: ORAL 1<sup>ST</sup>/ PRIMERA 2<sup>ND</sup>/ SEGUNDA FINAL

I have read this warning and understand the above violation. I understand that disregard of company policies could result in disciplinary action up to and including discharge. He leído la violación mencionada. Entiendo que faltar a las políticas de la compañía puede resultar en acción disciplinaria que podría incluir el despido.

Jasper Smith  
Employee's Signature/ Firma del empleado

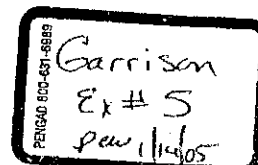
6 / 3 / 03  
Date/ Fecha

Joseph Garrison  
Supervisor/ Foreman Signature

6 - 2 - 03  
Date

Human Resources Manager's Signature

Date





EMPLOYEE WARNING NOTICE  
NOTIFICACION DE ADVERTENCIA AL EMPLEADO

DATE/ FECHA: 5 / 30 / 03

NAME/ NOMBRE: Jasper Smith

SOCIAL SECURITY NUMBER/ NUMERO DE SEGURO SOCIAL:

DEPARTMENT/ DEPARTAMENTO: Lumber Haul

DATE OF HIRE/ FECHA DE CONTRATACION: 1 / 1

COMPANY POLICY/ POLITICA DE LA COMPANIA: He should let me know when he takes off or call

VIOLATION/ VIOLACION: Jasper was not home when I went to pick him up or he did not call

ACTION/ ACCION: ORAL 1<sup>ST</sup>/ PRIMERA 2<sup>ND</sup>/ SEGUNDA FINAL

I have read this warning and understand the above violation. I understand that disregard of company policies could result in disciplinary action up to and including discharge. / He leído la violación mencionada. Entiendo que faltar a las políticas de la compañía puede resultar en acción disciplinaria que podría incluir el despido.

Jasper Smith Jr.  
Employee's Signature/ Firma del empleado

6 / 3 / 03  
Date/ Fecha

Joseph H. Ammon  
Supervisor/ Foreman Signature

5 - 30 - 03  
Date

Human Resources Manager's Signature

Date

A-0179

A00178



## EMPLOYEE WARNING NOTICE

NAME Clarence Heath DATE 12-23-02  
DEPARTMENT Live Haul ID # \_\_\_\_\_  
DATE OF HIRE \_\_\_\_\_

WORK RULE Be work on Time

### VIOLATION

Clarence was late for work. He came to the Second Stop but I Told him that I did not need him we were just about done. unexcused  
ACTION 3RD ORAL 1ST 2ND 3RD

I HAVE READ AND UNDERSTAND THE ABOVE VIOLATION, I UNDERSTAND THAT DISREGARD OF COMPANY RULES COULD RESULT IN DISCIPLINARY ACTION OR DISCHARGE.

EMPLOYEE SIGNATURE Refused To Sign 12/27/02 with [Signature]  
SUPERVISOR'S SIGNATURE Joseph Garrison  
HUMAN RESOURCES MANAGER \_\_\_\_\_



# EMPLOYEE WARNING NOTICE

NAME Clarence Heath DATE 10-21-02  
DEPARTMENT Livestock Haul ID # \_\_\_\_\_  
DATE OF HIRE \_\_\_\_\_

WORK RULE \_\_\_\_\_

## VIOLATION

Clarence did not work on this day. Because  
he said he had ~~some~~ something to do. unxc

ACTION ORAL 1ST 2ND 3RD

I HAVE READ AND UNDERSTAND THE ABOVE VIOLATION. I UNDERSTAND THAT  
DISREGARD OF COMPANY RULES COULD RESULT IN DISCIPLINARY ACTION  
OR DISCHARGE.

EMPLOYEE SIGNATURE He Refuse to sign.  
SUPERVISOR'S SIGNATURE Joseph Garrison  
HUMAN RESOURCES MANAGER \_\_\_\_\_



## EMPLOYEE WARNING NOTICE

NAME Clarence Heath DATE 10-18-02  
DEPARTMENT Lime Haul ID # \_\_\_\_\_  
DATE OF HIRE \_\_\_\_\_

WORK RULE Be work on time

VIOLATION Late for work Miss 1 load

ACTION 1ST 2ND 3RD

I HAVE READ AND UNDERSTAND THE ABOVE VIOLATION, I UNDERSTAND THAT DISREGARD OF COMPANY RULES COULD RESULT IN DISCIPLINARY ACTION OR DISCHARGE.

EMPLOYEE SIGNATURE He Refuse Sign.  
SUPERVISOR'S SIGNATURE Joseph Garrison  
HUMAN RESOURCES MANAGER \_\_\_\_\_

EMPLOYEE WARNING NOTICE  
NOTIFICACION DE ADVERTENCIA AL EMPLEADO

DATE/ FECHA: 7 / 10 / 02

NAME/ NOMBRE: Clarence Heath

SOCIAL SECURITY NUMBER/ NUMERO DE SEGURO SOCIAL:

DEPARTMENT/ DEPARTAMENTO: Lumber Haul

DATE OF HIRE/ FECHA DE CONTRATACION: 1 / 1 /

COMPANY POLICY/ POLITICA DE LA COMPANIA:

VIOLATION/ VIOLACION: Clarence did not come to the second stop. left the job unexcused

ACTION/ ACCION:

ORAL

1<sup>ST</sup>/ PRIMERA

2<sup>ND</sup>/ SEGUNDA

FINAL

I have read this warning and understand the above violation. I understand that disregard of company policies could result in disciplinary action up to and including discharge. / He leído la violación mencionada. Entiendo que faltar a las políticas de la compañía puede resultar en acción disciplinaria que podría incluir el despido.

Clarence Heath  
Employee's Signature/ Firma del empleado

7/11/02  
Date/ Fecha

Joseph J. Gannon  
Supervisor/ Foreman Signature

7-10-02  
Date

Human Resources Manager's Signature

Date

Davis, et al. v. Mountaire Farms, Inc., et al.  
January 27, 2005 C.A. # 04-0414-KAJ Nathaniel Briddell

Page 1

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR.,	) CA No 04-0414-KAJ
NATHANIEL BRIDDELL,	)
GEORGE W. FEDDIMAN,	)
JOSEPH GARRISON,	)
LARRY E. GIBBS,	)
ROY H. WALTERS,	)
	)
ALL SIMILARLY-SITUATED CURRENT AND	)
FORMER EMPLOYEES OF MOUNTAIRE	)
FARMS, INC., MOUNTAIRE FARMS OF	)
DELMARVA, INC., and MOUNTAIRE FARMS	)
OF DELAWARE, INC.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
MOUNTAIRE FARMS, INC.,	)
MOUNTAIRE FARMS OF DELMARVA, INC.,	)
and MOUNTAIRE FARMS OF	)
DELAWARE, INC., all Delaware	)
corporations,	)
	)
Defendants.	)

.. . . .

Deposition of NATHANIEL BRIDDELL, taken  
pursuant to notice, on Thursday, January 27, 2005 at  
10:00 a.m. at Young, Conaway, Stargatt & Taylor,  
Georgetown, Delaware, reported by Lorena J. Hartnett,  
a Registered Professional Reporter and Notary Public.

.. . . .

A-0184



Davis, et al. v. Mountaire Farms, Inc., et al.  
 January 27, 2005 C.A. # 04-0414-KAJ Nathaniel Briddell

Page 2

1  
 2  
 3 APPEARANCES:  
 4 JEFFREY MARTIN, ESQUIRE  
 5 KERRI L. WILLIAMS, ESQUIRE  
 6 Margolis, Edelstein  
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 8 Wilmington, DE 19806  
 9 Attorney for the Plaintiffs  
 10  
 11 ARTHUR M. BREWER, ESQUIRE  
 12 Shawe & Rosenthal, LLP  
 13 Sun Life Building, 11th Floor  
 14 20 South Charles Street  
 15 Baltimore, MD 21201  
 16 Attorney for the Defendants  
 17  
 18 ALSO PRESENT: Phil Owen and Doug Lynch  
 19  
 20  
 21  
 22  
 23  
 24

Page 3

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Page 4

1 NATHANIEL BRIDDELL,  
 2 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:  
 3 DIRECT EXAMINATION ON BEHALF OF THE DEFENDANT  
 4 MR. BREWER: Mr. Briddell, you and I  
 5 have met. I am Art Brewer, and I represent  
 6 Mountaire in the case that you and some  
 7 other crew leaders have filed against the  
 8 company. I just have a couple of  
 9 preliminary questions for you.  
 10 By the way, I assume we will have the  
 11 same standards, the stipulations that we  
 12 have had in the other two depositions?  
 13 MR. MARTIN: Yes, sir.  
 14 MR. BREWER: Okay.  
 15 BY MR. BREWER:  
 16 Q. Have you ever been deposed before?  
 17 A. Opposed?  
 18 Q. Deposed, like this, have you ever had  
 19 your deposition taken before?  
 20 A. Yes.  
 21 Q. Okay, can you tell me in what case?  
 22 A. A divorce case.  
 23 Q. A divorce case?  
 24 A. Yes.

Page 5

1 Q. And whose divorce were you deposed in?  
 2 A. Mine.  
 3 Q. Oh, your own divorce. Okay, and how  
 4 long ago was that?  
 5 A. 12/17/04.  
 6 Q. Okay, having been deposed before, then  
 7 I assume you understand that you are under oath  
 8 today and have an obligation to tell the truth?  
 9 A. True.  
 10 Q. Okay. This is informal, as I am sure  
 11 the deposition that you gave in December of '04  
 12 was informal, but you realize that it has the  
 13 same significance and force as if you were giving  
 14 testimony before a judge in a courtroom?  
 15 A. Yes.  
 16 Q. I will be asking you a series of  
 17 questions, and the court reporter, as you can  
 18 see, will be taking down the questions that I  
 19 ask, also the answers that you give to my  
 20 questions.  
 21 At trial I will have an opportunity to  
 22 bring to the attention of the judge or the jury  
 23 any changes in your testimony from today and  
 24 testimony that you may give in this trial. Do

2 (Pages 2 to 5)

Davis, et al. v. Mountaire Farms, Inc., et al.  
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Page 6

1 you understand that, sir?  
 2 A. Yes.  
 3 Q. I am going to ask that you not answer  
 4 any questions that I ask you if you don't  
 5 understand them.  
 6 It's my job to make myself clear to  
 7 you, so if you don't understand the question I  
 8 have asked, don't answer it, just tell me that  
 9 you don't understand it, and I will be more than  
 10 happy to try to rephrase it so that you do  
 11 understand it.  
 12 You will also have to, as I am sure  
 13 you are familiar, having had a deposition taken  
 14 before, when I ask you a question, you will have  
 15 to answer, and a nod of the head isn't  
 16 sufficient. You will have to answer yes or no.  
 17 Okay? The court reporter can't take down a nod  
 18 of your head.  
 19 A. Yes.  
 20 Q. Okay, good. Let me ask you this: Are  
 21 there any physical problems or mental problems  
 22 that you have that would interfere with your  
 23 being able to answer my questions today?  
 24 A. No.

Page 7

1 Q. Are you on any medication today?  
 2 A. Yes.  
 3 Q. Can you tell me what the medication  
 4 is, please?  
 5 A. Glucophage and Glucotrol for diabetes.  
 6 Q. Okay. The taking of that medication,  
 7 in your opinion, is not going to interfere with  
 8 your ability to answer my questions?  
 9 A. No.  
 10 Q. Okay. The only other thing before we  
 11 get into it is to let you know that if there is a  
 12 time that you need a break for any reason, just  
 13 please let me know, and we will be more than  
 14 happy to break. Okay?  
 15 A. I understand.  
 16 Q. Okay, can you tell me, please, how you  
 17 came to contact Mr. Martin?  
 18 A. Willie Davis, Jr..  
 19 Q. Willie Davis?  
 20 A. Junior.  
 21 Q. All right, I don't -- Can you  
 22 elaborate on that?  
 23 A. Yes, I got to know Mr. Martin through  
 24 Willie Davis, a coworker who was doing the same

Page 8

1 type of work that I was doing.  
 2 Q. Okay, Mr. Davis was doing the same  
 3 type of work that you were doing? What work was  
 4 that?  
 5 A. Being a crew leader at Mountaire.  
 6 Q. Being a crew leader?  
 7 A. Uh-huh.  
 8 Q. And when did Mr. Davis contact you?  
 9 A. I don't remember the exact date.  
 10 Q. Was it this year or last year?  
 11 A. '03.  
 12 Q. '03, okay.  
 13 A. I believe.  
 14 Q. And when Mr. Davis -- Did he contact  
 15 you in person, or did he telephone you?  
 16 A. Telephoned.  
 17 Q. Can you tell me what Mr. Davis said to  
 18 you when he telephoned you?  
 19 A. He told me he had called the labor  
 20 board of Delaware and they recommended  
 21 Mr. Martin.  
 22 Q. Did he tell you why he called the  
 23 labor board in Delaware?  
 24 A. I don't remember.

Page 9

1 Q. So, if I understand what you are  
 2 saying, he calls you and says he has contacted  
 3 the labor board in Delaware?  
 4 A. Yes.  
 5 Q. You don't remember what he said about  
 6 why, but that they had recommended Mr. Martin --  
 7 A. Yeah, right.  
 8 Q. -- to him?  
 9 A. Right.  
 10 Q. Okay, and did you have any idea what  
 11 it was about?  
 12 A. Yes, I had some idea what it was  
 13 about, but he didn't go into detail.  
 14 Q. Okay, what idea did you have it was  
 15 about, then?  
 16 A. About overtime.  
 17 Q. About overtime? And how did you get  
 18 that idea?  
 19 A. I don't understand your question.  
 20 Q. Okay, how did you get the idea that it  
 21 was about this overtime thing, as you say?  
 22 A. From Willie Davis.  
 23 Q. Okay, so he mentioned that to you when  
 24 he talked to you?

3 (Pages 6 to 9)

Lorena J. Hartnett, R.P.R.

(302) 426-1007 or 736-3661

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A-0186

Davis, et al. v. Mountaire Farms, Inc., et al.  
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Page 38

1 Maryland, 21822.  
 2 Q. Okay, and how long have you been  
 3 there?  
 4 A. Twenty months.  
 5 Q. Okay, and prior to that where did you  
 6 live, sir?  
 7 A. 9545 Honeysuckle Road, Berlin,  
 8 Maryland 21811.  
 9 Q. Okay, and how long did you live there?  
 10 A. Let's see. Twenty-five years.  
 11 Q. That's close enough. And how old are  
 12 you, sir, and what's your birth date?  
 13 A. I am 55 years old. My birth date is  
 14 12/19/49.  
 15 Q. 12/19/1949, okay. Your father's name,  
 16 please?  
 17 A. My father's name is Davison Spence,  
 18 Sr..  
 19 Q. And his last name is Spence?  
 20 A. Yes.  
 21 Q. And your last name is Briddell?  
 22 A. Briddell.  
 23 Q. Can you explain that, please, to me?  
 24 A. I still carried my mother's maiden

Page 40

1 A. Well, my oldest, my brother Darcy  
 2 Spence, he works at Mountaire and drives a school  
 3 bus.  
 4 Q. Drives a school bus for Mountaire?  
 5 A. No, no, no, he works at Mountaire and  
 6 drives a school bus.  
 7 Q. Oh, okay. What does he do at  
 8 Mountaire?  
 9 A. Sanitation.  
 10 Q. Okay, your next brother?  
 11 A. My next brother lives in Aldelphi,  
 12 Maryland.  
 13 Q. Okay, and what does he do?  
 14 A. I don't know.  
 15 Q. All right.  
 16 A. That's it. My other two brothers are  
 17 deceased.  
 18 Q. Okay, how about your sisters?  
 19 A. Yes, Wanda, she works for -- Gosh, she  
 20 is a seamstress is all I can say.  
 21 Q. Okay.  
 22 A. The next sister, Pojena, she teaches  
 23 school. I have a sister in North Carolina, and I  
 24 think she is a social worker, I think.

Page 39

1 name.  
 2 Q. Okay, and what was your father's  
 3 occupation?  
 4 A. My father worked -- A factory worker,  
 5 and he worked at an ice plant in Berlin, and most  
 6 of his life a factory worker.  
 7 Q. Okay. Is he alive or deceased?  
 8 A. He is alive.  
 9 Q. Okay, is he still working?  
 10 A. No.  
 11 Q. Okay, and your mother's maiden name is  
 12 Briddell, you say?  
 13 A. Briddell.  
 14 Q. Okay, and is she working? Does she  
 15 work?  
 16 A. Deceased. Deceased.  
 17 Q. Oh, I'm sorry. Thank you. Brothers  
 18 or sisters?  
 19 A. Yes.  
 20 Q. How many?  
 21 A. I have four brothers and five sisters.  
 22 Q. And can you tell me what -- Let's  
 23 start with your brothers. Can you tell me what  
 24 they do, if you know?

Page 41

1 Q. Uh-huh.  
 2 A. I got a sister who is a housewife in  
 3 Salisbury, and one sister works at Home Depot in  
 4 Salisbury.  
 5 Q. Okay, thank you. What is the highest  
 6 level of education, sir, that you obtained?  
 7 A. I completed the twelfth grade.  
 8 Q. Okay, high school graduation?  
 9 A. Yes.  
 10 Q. What high school, please?  
 11 A. Worcester Junior-Senior High School,  
 12 Newark, Maryland.  
 13 Q. Where was it, please?  
 14 A. Newark, Maryland.  
 15 Q. Newark, Maryland. Do you attend  
 16 church regularly?  
 17 A. No.  
 18 Q. And I think we asked, I asked you this  
 19 question quickly before, but there is no -- You  
 20 don't have any mental problems that would  
 21 interfere with your deposition?  
 22 A. No.  
 23 Q. Okay. When did you first become  
 24 employed by the company, if you can tell me?

11 (Pages 38 to 41)

Lorena J. Hartnett, R.P.R.

(302) 426-1007 or 736-3661

7431ced2-5727-4bec-b77d-b03a444777d2

A-0187

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Page 42	Page 44
<p>1 A. 11/5/83.  2 Q. And what position were you hired for?  3 A. Truck driver.  4 Q. What kind of truck driver?  5 A. Beg your pardon?  6 Q. What kind of truck driver?  7 A. Live haul.  8 Q. So did you have a CDL at that time?  9 A. I had a Maryland Class A at that time.  10 Q. Okay, and the CDL came later, as I  11 recall?  12 A. Yes.  13 Q. Okay, and just briefly tell us what  14 you did as a live haul truck driver?  15 A. Came in at night, weighed out a truck  16 on Mountaire scales, and wherever was scheduled  17 for me to go, that's where I went to receive a  18 load of chickens and transport them back to the  19 processing plant.  20 Q. And which processing plant was that?  21 A. It was Mountaire Poultry in  22 Selbyville, Delaware.  23 Q. Okay, and is that the location that  24 you were first employed by?</p>	<p>1 Q. Okay, great. Now, as a crew leader,  2 your primary role was to manage the crew that was  3 catching chickens?  4 A. Yes, to the best of my knowledge.  5 Q. Okay. How many employees were on your  6 crew?  7 A. Seven.  8 Q. Okay.  9 A. Seven chicken catchers, one forklift  10 driver, and at that time three truck drivers.  11 Q. The three drivers were also part of  12 your crew?  13 A. Yes.  14 Q. Okay, so that was seven catchers, one  15 forklift driver, and three drivers. And the  16 drivers we are referring to, again, are live haul  17 drivers?  18 A. Yes.  19 Q. The employees who worked in your crew  20 from 1989 till the time that you left -- By the  21 way, you probably told me, but I didn't write it  22 down. When did you stop becoming a crew leader?  23 A. April '03.  24 Q. April of '03?</p>
Page 43	Page 45
<p>1 A. Yes.  2 Q. And you are still employed at that  3 location?  4 A. Yes.  5 Q. Who was your supervisor at the time?  6 A. At that time it was Don Hopkins,  7 Donald Hopkins.  8 Q. Okay. When did you become a crew  9 leader, sir?  10 A. September of '89.  11 Q. And did you consider that to be a  12 promotion?  13 A. Yes.  14 Q. And who was your supervisor at that  15 time?  16 A. Doug Lynch.  17 Q. Okay, can you tell me how you, how it  18 is you became promoted to a crew leader's  19 position?  20 A. Being a truck driver, I knew a lot of  21 the employees, and Charles Showell was getting  22 ready to retire, and I spoke with Mr. Showell and  23 I spoke with Mr. Lynch, and they decided to put  24 me as crew leader.</p>	<p>1 A. Yes.  2 Q. When you were a crew leader, did  3 people, catchers who worked for you, they were  4 covered by a union contract?  5 A. Yes.  6 Q. Okay, and do you know which union?  7 A. Local 355.  8 Q. Of the Teamsters?  9 A. Teamsters.  10 Q. Okay. And has that been true from '89  11 through April of '03?  12 A. Could you --  13 Q. Sure. For all the time that you were  14 a crew leader, were they covered by, were they  15 represented by the Local 355?  16 A. Yes.  17 Q. Okay, now, from the time you have been  18 a crew leader, and I am talking about from 1989  19 through April of '03, that's the period of time  20 that I am going to be referring to, did you have  21 new catchers come onto your crew from time to  22 time?  23 A. Yes.  24 Q. And were you responsible for making</p>

12 (Pages 42 to 45)



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1 sure they were trained properly?  
 2 A. Yes.  
 3 Q. Did you ever select any of these  
 4 catchers to come onto your crew?  
 5 A. Yes.  
 6 Q. Okay, who did you select?  
 7 A. Zarina Bagwell.  
 8 Q. Okay. Now, I understand the period of  
 9 time I am asking was a long time, so --  
 10 A. Yes.  
 11 Q. -- I wouldn't expect you to have  
 12 perfect recall. Anybody else that you can think  
 13 of?  
 14 A. Can you ask me that question again?  
 15 Q. Sure, from September of '89, again  
 16 this is the timeframe, until April of '03, my  
 17 question is did you select any employees to  
 18 become part of your crew?  
 19 You have mentioned Mr. Bagwell, and I  
 20 guess my question is anybody else you can  
 21 remember?  
 22 A. Yes, Warren Purnell.  
 23 Q. Okay.  
 24 A. Leroy Taylor. Lawn Howell.

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1 Q. Is that Howell?  
 2 A. Howell, H-O-W-E-L-L.  
 3 Q. Okay, thank you.  
 4 A. That's about it, as far as I can  
 5 remember.  
 6 Q. Okay. There may have been more, but  
 7 you just can't remember?  
 8 A. I am sure.  
 9 Q. Okay, that's fine. Let me ask you  
 10 this: This is a document. I don't have -- You  
 11 have copies of these.  
 12 This is a document, sir, that has been  
 13 introduced as an exhibit to Mr. Garrison's  
 14 deposition. It's Garrison Exhibit 2. Okay, do  
 15 you see that? I am just going to keep that in  
 16 front of you so I can ask you a couple questions  
 17 about this document.  
 18 Okay, it talks about, in roman numeral  
 19 two on page one, the crew leader's general  
 20 duties, and I am just going to go through some of  
 21 these.  
 22 MR. MARTIN: Excuse me for a moment.  
 23 Did you ask whether he was familiar with it,  
 24 the document?

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1 MR. BREWER: Oh, no, I am sure you  
 2 are.  
 3 BY MR. BREWER:  
 4 Q. Are you familiar with this document?  
 5 A. This is an old document, yes.  
 6 Q. Okay. And I am looking at the second  
 7 roman numeral, roman numeral two. It says  
 8 general crew leader's general duties.  
 9 The first one it says is you are  
 10 supposed to arrive at the farm at the correct  
 11 time. Is that one of the responsibilities as a  
 12 crew leader that you had?  
 13 A. Yes.  
 14 Q. It also talks about how the house is  
 15 to be divided. Is it your responsibility to make  
 16 sure that that occurred?  
 17 A. Yes.  
 18 Q. Now, I would imagine, depending on the  
 19 house, that sometimes there might have been more  
 20 sections?  
 21 A. Correct.  
 22 Q. And sometimes there would have been  
 23 less sections?  
 24 A. Yes.

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1 Q. Okay, and you would make that  
 2 determination as to whether it should be more or  
 3 less than four --  
 4 A. Yes.  
 5 Q. -- as the crew leader? Okay. It  
 6 talks about instructing the catchers on the  
 7 number of birds to be placed in each compartment.  
 8 Was that one of the responsibilities you had as a  
 9 crew leader?  
 10 A. Yes.  
 11 Q. And I think when they refer to each  
 12 compartment, that's also known as the hole, isn't  
 13 it?  
 14 A. Yes.  
 15 Q. All right. The next item down talks  
 16 about catching birds in place at night and how  
 17 you are supposed to move them. Was it your  
 18 responsibility for making sure that this  
 19 occurred?  
 20 A. Yes.  
 21 Q. And again, based on my experience in  
 22 the industry, that didn't always happen, did it?  
 23 A. No.  
 24 Q. And, if it didn't happen, it was your

13 (Pages 46 to 49)

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1 decision, based on what the house and the  
 2 circumstances you were confronted with, to change  
 3 it?

4 A. Depending.

5 Q. Right, exactly, depending on the kind  
 6 of house you are in and what circumstances you  
 7 found when you got there?

8 A. Right.

9 Q. Right. It talks about the  
 10 responsibility of a crew leader to continue to  
 11 observe the uncaught birds to prevent smothers?

12 A. Yes.

13 Q. Was that one of your responsibilities?

14 A. Yes.

15 Q. Make sure that the cages are air  
 16 stacked uniformly on a trailer?

17 A. Yes.

18 Q. Now, let's talk about that for just a  
 19 second. When we are talking about correctly air  
 20 stacking them on the trailer, who stacks the  
 21 cages on the trailer?

22 A. The forklift driver.

23 Q. Okay, and he is loading that trailer  
 24 for transportation back to the plant?

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1 A. Yes.

2 Q. Okay, and did that change from time to  
 3 time? I mean, depending on the house, you might  
 4 have to change that?

5 A. Yes.

6 Q. And that was your call to make that  
 7 change?

8 A. Well, I got notification from my  
 9 manager as to what to do.

10 Q. Okay. You would be responsible for  
 11 making sure that the fans were taken down and  
 12 stabilized?

13 A. Yes.

14 Q. Okay, and how they were stabilized was  
 15 up to you?

16 A. No.

17 Q. Okay. Tell me how you stabilize a  
 18 fan?

19 A. Doug would tell me how to do it. He  
 20 would put on the order or call us in and say  
 21 well, you are going to this farm, this should be  
 22 done this way, or sometime he would come out  
 23 there and say the fans should be turned this way  
 24 or that way.

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1 A. Yes.

2 Q. And, obviously, what's on that truck  
 3 is live chickens. When it says appropriately air  
 4 stack them, can you explain what that means?

5 A. They each -- Two cages are stacked  
 6 where air can go through, through the houses.

7 Q. And you would have to make sure that  
 8 the forklift driver was stacking those cages  
 9 correctly?

10 A. Well, he had to, because there is  
 11 devices on the trailer that says he have to or it  
 12 won't go on there properly.

13 Q. Okay. But it could be off one of the  
 14 devices, and you would have to make sure that it  
 15 was correctly put on?

16 A. Right.

17 Q. And that's so that -- Part of the  
 18 reason is so that the birds can continue to  
 19 breathe, isn't it?

20 A. Yes.

21 Q. Okay, the next item, it talks about in  
 22 the summer making sure that the fans are left  
 23 hanging and so forth. Was that one of your  
 24 responsibilities when you were a crew leader?

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1 Q. And you never made that decision  
 2 yourself?

3 A. Sure, at times, yes.

4 Q. I guess that's what I meant, is you  
 5 would make it?

6 A. Not all the time.

7 Q. Okay, but some of the time?

8 A. (Nodding head)

9 MR. MARTIN: Yes?

10 A. Yes.

11 Q. You were responsible for filling out  
 12 the farm ticket accurately?

13 A. Yes.

14 Q. Okay, and you were also responsible  
 15 for checking with the drivers to make sure that  
 16 the loads are secure?

17 A. Yes.

18 Q. Item three, roman numeral number  
 19 three, talks about various catching methods.

20 A. Number?

21 Q. Yeah, roman numeral, on page two of  
 22 the document that you have --

23 A. Okay.

24 Q. -- it talks about night catching.

14 (Pages 50 to 53)



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1 A. Okay.  
 2 Q. Do you see that? And then it talks  
 3 about day catching.  
 4 A. Yes.  
 5 Q. And it takes about N's or A-frame  
 6 houses and so forth. Is it your responsibility  
 7 to make sure that these guidelines were followed?  
 8 A. Yes.  
 9 Q. Okay. And again, during this period  
 10 of time that you were a crew leader, I would  
 11 assume that you could not always follow these  
 12 guidelines exactly the way they were because of  
 13 changes in houses and stuff?  
 14 A. Yes.  
 15 Q. And if, in your view, it couldn't be  
 16 done exactly the way it's set out here, you would  
 17 make that change --  
 18 A. Yes.  
 19 Q. -- to get it done? Okay, and that's  
 20 true for the day methods and night methods?  
 21 A. Uh-huh.  
 22 Q. How about tunnel ventilation, is that  
 23 same also true there? There are some guidelines  
 24 here that you are responsible for?

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1 A. Yes.  
 2 Q. And, again, it wasn't always possible  
 3 to do this, to follow this precisely?  
 4 A. Yes.  
 5 Q. And if it had to be deviated from, you  
 6 could deviate or you could do something different  
 7 than what it says here, based on what you found  
 8 in the house?  
 9 A. Yes.  
 10 MR. BREWER: All right. And that  
 11 speaks to this whole notion of tunnel  
 12 ventilation. Okay, I want to take a few  
 13 minutes.  
 14 MR. MARTIN: Sure.  
 15 (A recess was taken.)  
 16 BY MR. BREWER:  
 17 Q. Mr. Briddell, I am going to show you a  
 18 document that is marked as Exhibit Number 1 to  
 19 Mr. Garrison's deposition. You have a copy of  
 20 that?  
 21 MR. MARTIN: Yes, sir.  
 22 Q. And I am going to ask you to take a  
 23 look at that and tell me if you are familiar with  
 24 that document?

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1 A. Yes, I am, sir.  
 2 Q. Okay, and what is this?  
 3 A. It's a form we had to give to each  
 4 driver as he left the chicken farm.  
 5 Q. Okay. And it says, up at the top, it  
 6 says grower. Do you see where it says grower?  
 7 A. Yes.  
 8 Q. Who fills in that line?  
 9 A. Crew leader.  
 10 Q. Okay. And it says the houses, and  
 11 there are various dots. Who fills in that  
 12 information?  
 13 A. Crew leader.  
 14 Q. And that would be, for example, if you  
 15 were going to the Brewer farm --  
 16 A. Yes.  
 17 Q. -- it would say to catch house number  
 18 two and number six?  
 19 A. That's right.  
 20 Q. And that's what you would fill in?  
 21 A. Yes.  
 22 Q. Okay. And the time started, who fills  
 23 that information?  
 24 A. Crew leader.

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1 Q. And the time finished?  
 2 A. Crew leader.  
 3 Q. Now, when you were talking about, if  
 4 you remember earlier, the journal that you said  
 5 you had and those documents, is this the kind of  
 6 document that you are referring to?  
 7 A. Yes.  
 8 Q. Okay. There is a space, and it says  
 9 truck. What information gets put in there?  
 10 A. The number of the truck that the  
 11 driver is driving.  
 12 Q. The number of the truck?  
 13 A. Yes.  
 14 Q. Each truck has its own number?  
 15 A. Yes.  
 16 Q. And that's different than its license  
 17 plate?  
 18 A. Yes.  
 19 Q. Okay, and who fills that information  
 20 in?  
 21 A. Crew leader.  
 22 Q. How about it says trailer, who fills  
 23 that information in?  
 24 A. Crew leader.

15 (Pages 54 to 57)

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1 Q. And what would you write in there?  
 2 A. The number of the trailer, not the  
 3 license plate, the number of the trailer.  
 4 Q. So each truck is numbered and each  
 5 trailer is numbered, and you write down the  
 6 number of the truck and the number of the  
 7 trailer?  
 8 A. Yes.  
 9 Q. How about the driver?  
 10 A. Put the driver's name down.  
 11 Q. And who writes that in?  
 12 A. Crew leader.  
 13 Q. And it says N-O, period, which I  
 14 assume stands for number of doors?  
 15 A. Yes.  
 16 Q. And the information that's required  
 17 there, who puts that in?  
 18 A. Crew leader.  
 19 Q. All right. Let's go down to under the  
 20 first line to the latter part of the document.  
 21 There is a question that says, "Sign present, yes  
 22 or no." Who fills in that box?  
 23 A. Crew leader.  
 24 Q. And what does that mean, sign present?

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1 What do you look for to fill that in?  
 2 A. Every farm has an identification sign  
 3 at the end of its driveway or somewhere on the  
 4 chicken house to identify the farm.  
 5 Q. So, again, if you were talking about  
 6 Brewer's farm, there would be a sign out there in  
 7 front of the house that would say Brewer's farm?  
 8 A. With a Mountaire logo on it.  
 9 Q. And it's the crew leader's  
 10 responsibility to see that that is there?  
 11 A. Yes.  
 12 Q. And, if it is, the box yes is checked,  
 13 and, if it's not, the box no is checked?  
 14 A. Yes.  
 15 Q. "Grower present," who fills that  
 16 information out?  
 17 A. Crew leader.  
 18 Q. And how do you decide whether to check  
 19 the box yes or no?  
 20 A. Well, if you see the grower there  
 21 doing what was said the grower would do there, if  
 22 he is out there doing that prior to catching, you  
 23 would see him and you would have to --  
 24 Q. Okay, when you say doing that, you are

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1 referring to Garrison Exhibit 2 where it says  
 2 grower's responsibilities?  
 3 A. Yes.  
 4 Q. Okay. Now, suppose when you arrived  
 5 there at night the grower is asleep, I mean he is  
 6 just asleep, how do you check that? Do you check  
 7 that he is present or not?  
 8 A. Not.  
 9 Q. Okay. DAF's prior to catch. What is  
 10 a DAF?  
 11 A. Dead chickens.  
 12 Q. Dead at farm, is that what that stands  
 13 for?  
 14 A. Uh-huh.  
 15 MR. MARTIN: Yes?  
 16 A. Yes.  
 17 Q. And who fills that box out?  
 18 A. Crew leader.  
 19 Q. How do you go about deciding whether  
 20 to check yes or no?  
 21 A. If you go down through the chicken  
 22 house and you see all these dead chickens laying  
 23 around, you know how to check it yes or no.  
 24 Q. Okay, so, in other words, you walk in

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1 the house, the crew leader walks in the house and  
 2 looks around and sees if there is a lot of dead  
 3 chickens or one or two?  
 4 A. Right.  
 5 Q. And, depending on the amount of  
 6 chickens that are dead, you would decide whether  
 7 to check out yes --  
 8 A. Or no.  
 9 Q. -- or no. Okay, "fire fan used," who  
 10 fills that information out?  
 11 A. Crew leader.  
 12 Q. And tell me what that means. How do  
 13 you decide whether to check that box yes or no?  
 14 A. Well, we have documentation when you  
 15 use the fire fan and how to use it, and it's up  
 16 to the crew leader, according to the weather, as  
 17 to whether to use the fire fan, when I was a crew  
 18 leader. I don't know how they do it now.  
 19 Q. Okay, that's fine. And, depending on  
 20 how that was used, you would check the box?  
 21 A. Yes.  
 22 Q. "Chickens watered," what does that  
 23 mean?  
 24 A. That means if the driver is putting

16 (Pages 58 to 61)

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1 water on chickens on a very hot day, all over  
 2 85 degrees, I think it is. It was when I was  
 3 crew leader.  
 4 Q. Okay. And whose responsibility is it  
 5 to water the chickens?  
 6 A. Truck driver.  
 7 Q. If he is not doing it, can the crew  
 8 leader tell him to do it?  
 9 A. Yes.  
 10 Q. And who fills that out? Who fills  
 11 that box out?  
 12 A. Crew leader.  
 13 Q. "Feeders up," what does that mean?  
 14 A. If the grower has the feeder up prior  
 15 to catch time.  
 16 Q. Okay, and if he doesn't, you check the  
 17 no box?  
 18 A. Yes.  
 19 Q. And what do you do?  
 20 A. If it's not up?  
 21 Q. Yes.  
 22 A. Do it myself, if the equipment is  
 23 there to do it with.  
 24 Q. All right, and if it's not there?

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1 A. You have to call Doug or Nuse.  
 2 Q. Do you ever get in touch with the  
 3 grower?  
 4 A. Sometimes you have to call the  
 5 processing plant, and the processing plant will  
 6 call people, and sometimes they still don't get  
 7 them. Sometimes we do.  
 8 Q. Well, if you arrived on a farm and the  
 9 feeders were not up but the grower was present,  
 10 could you tell the grower to get the feeders up?  
 11 A. No.  
 12 Q. You couldn't?  
 13 A. No.  
 14 Q. Okay. How about the water up?  
 15 A. It applies the same thing as the  
 16 feeder.  
 17 Q. Okay, so if you arrive and the water  
 18 is not up and the grower is present, you can't  
 19 tell the grower to get the water up?  
 20 A. No, that's his equipment.  
 21 Q. Okay, how about stoves up?  
 22 A. Grower's responsibility.  
 23 Q. Okay, but who checks the box?  
 24 A. I do.

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1 Q. "Farm damage, yes or no," how do you  
 2 decide -- Who fills that out, first of all?  
 3 A. I do, the crew leader.  
 4 Q. Okay. And how do you know what box to  
 5 check?  
 6 A. If I see my forklift driver or  
 7 catchers break something.  
 8 Q. Okay, well, let's assume -- When you  
 9 first get to the farm --  
 10 A. Yes.  
 11 Q. -- when you walk around the house to  
 12 see if there were any DAF's, stuff like that, do  
 13 you take a look at the houses and everything else  
 14 to make sure that they are --  
 15 A. Yes.  
 16 Q. Okay, and if you see damage at the  
 17 point before anybody started working, you would  
 18 check the box that there was farm damage?  
 19 A. No, I would write it down on a  
 20 separate piece of paper.  
 21 Q. Okay, and what would you do with that  
 22 piece of paper?  
 23 A. At the end of the day, if I didn't see  
 24 my forklift driver catch or break anything, I

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1 would mark no, we didn't do it.  
 2 Q. All right, but you would have a  
 3 separate piece of paper which noted the fact that  
 4 there was damage there before you started?  
 5 A. Yes.  
 6 Q. Okay. The next box, moving to the  
 7 right, it says "The drive entrance, acceptable or  
 8 unacceptable." Who checks that box?  
 9 A. Crew leader.  
 10 Q. How do you know, how do you decide  
 11 whether to check the accept box or the unaccept  
 12 box?  
 13 A. Well, we get the information from our  
 14 manager, and he would tell us or ask us what to  
 15 look for, and then I would have to determine it  
 16 from there.  
 17 Q. What would your manager tell you?  
 18 A. If the drive entrance is level, enough  
 19 footage for the trucks to get in and out, things  
 20 of that sort.  
 21 Q. All right. Does the manager tell you  
 22 this for every farm that you go to?  
 23 A. He would basically tell us what to  
 24 expect or --

17 (Pages 62 to 65)

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<p>1 Q. You have to be -- I'm sorry, I didn't  2 mean to interrupt you.  3 A. He would tell us what to look for.  4 Q. Okay, but after being a crew leader  5 for awhile, you came to know what to look for?  6 A. Right.  7 Q. And, depending on whether it was  8 level, whether it was potholes in it, or whether  9 there was enough room to put the truck in, you  10 would make a determination as to whether the  11 drive entrance was acceptable or unacceptable?  12 A. Yes.  13 Q. And you would check that box?  14 A. Yes.  15 Q. How about the house entrances, who  16 would fill that out?  17 A. Again, I would get information from my  18 manager as to what to do and what not to do, what  19 to look for, what not to look for, and then I  20 would have to determine or sometimes get my  21 manager out.  22 Q. Okay, but after being a crew leader  23 for awhile, you generally know what is an  24 acceptable house entrance and what isn't, don't</p>	<p>1 in?  2 A. Yes.  3 Q. Okay. "Leader condition," what does  4 that refer to, please?  5 A. Houses not ventilated properly, such  6 as wet houses, too tight, too dry.  7 Q. And who fills that out?  8 A. Crew leader.  9 Q. And how do you know whether to say  10 that's acceptable or unacceptable?  11 A. Whether the forklift can run in there  12 properly or not, if the forklift is in there  13 getting stuck or the catchers are walking through  14 mud when they are not supposed to.  15 Q. Okay, so you would observe that and  16 then, based on what you observed, you would  17 decide whether it's acceptable or unacceptable?  18 A. Yes.  19 Q. Okay, let's see. You mentioned on  20 your crew you carried seven catchers. Did you  21 ever have more than seven?  22 A. At times.  23 Q. How many more did you have?  24 A. Sometimes we would carry more than --</p>
Page 67	Page 69
<p>1 you?  2 A. Yes.  3 Q. And you would then make a decision  4 based on what you saw and based on your  5 experience as to what box to check?  6 A. Yes.  7 Q. Okay, "roads loading area," what does  8 that mean?  9 A. That's a loading zone. That's a  10 loading zone, so many footage, I forget now, as  11 to where the truck is supposed to be and where  12 the forklift is supposed to be to run around to  13 load it.  14 Q. Okay, and who fills that box out?  15 A. Crew leader.  16 Q. And this has "Explain." What, if  17 anything, would you write in that box?  18 A. If there wasn't enough room to load a  19 truck and we had to get onto the grower's lawn or  20 into his crop field or something like that,  21 somewhere we are not supposed to be, you got to  22 call your manager or let him know, or when you  23 got done that day let him know.  24 Q. And you would fill that information</p>	<p>1 We would carry catchers in the summertimes when  2 catchers were scarce and the work was harder and  3 the weather was hotter, the company would send  4 out unexperienced Mexicans and they would send  5 out three or four at a time.  6 Q. Okay, and they would be on your crew?  7 A. Every crew out there that needed them.  8 Q. Well, I am just talking about your  9 crews, basically --  10 A. Yes.  11 Q. -- because those are the ones that you  12 would know about, yours.  13 A. Yes.  14 Q. Okay, so let's begin. You normally  15 had seven catchers. Now, are you saying in the  16 summer --  17 A. Mostly in the summer, you know.  18 Q. All right, well, let me ask you this:  19 Did you ever carry eight catchers?  20 A. Yes.  21 Q. Okay, and why would you carry the  22 extra catcher?  23 A. If you had an unexperienced catcher.  24 Q. Okay. And when you carried eight</p>

18 (Pages 66 to 69)



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1 catchers, did you ever give one catcher a day  
 2 off?  
 3 A. Depending on whether they wanted that  
 4 day off or not, or whether they wanted to set out  
 5 a load, or whether each man wanted to get in a  
 6 load to make up for it.  
 7 Q. And how about somebody who basically  
 8 said I would like next Tuesday off?  
 9 A. If they asked for next Tuesday off?  
 10 Q. Right.  
 11 A. Could you repeat your question?  
 12 Q. Let me rephrase the question this way:  
 13 When you had eight catchers, Mr. Gibbs talked  
 14 about he would give one man off on Monday,  
 15 another man off on Tuesday, another man off on  
 16 Wednesday.  
 17 A. Yes.  
 18 Q. He would rotate days, and I want to  
 19 know if you did the same thing.  
 20 A. Yes, let me correct that. I did carry  
 21 catchers and there were people who would have a  
 22 day off.  
 23 Q. And you would decide the day off,  
 24 whether somebody had Monday, somebody had

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1 Tuesday, somebody had Wednesday?  
 2 A. Yes.  
 3 Q. And that's why you had eight catchers.  
 4 Okay. Now, you also mentioned that -- Did you  
 5 ever have nine catchers?  
 6 A. Yes, during the summer.  
 7 Q. And these are the people that you said  
 8 coming from the plant who were inexperienced?  
 9 A. Yes, who would fill in for people that  
 10 was out that couldn't make it that day.  
 11 Q. Okay. And if these people hadn't  
 12 caught before, you would sort of tell them what  
 13 to do?  
 14 A. I would try to teach them.  
 15 Q. Yeah, sure, that's what I mean. Okay.  
 16 Did you ever take over another crew leader's crew  
 17 when that person was on vacation?  
 18 A. Yes. No, I am not going to say on  
 19 vacation. I am going to say it was some kind of  
 20 problem and my crew was working and we fell short  
 21 a crew leader, yes, I have done that.  
 22 Q. Okay. And how many times would you  
 23 say you did that, approximately? Again, I  
 24 understand it's a difficult question.

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1 A. All I can say is it was several times.  
 2 Q. Several times?  
 3 A. Yes.  
 4 Q. Again, would that be several times a  
 5 year?  
 6 A. Over a period of time.  
 7 Q. Over a period of time? Over this  
 8 period of time that we are talking about, which  
 9 is from '89 through '03?  
 10 A. Yes.  
 11 Q. Okay. Let me ask you do catchers ever  
 12 change crews on a sort of a temporary basis?  
 13 A. Yes.  
 14 Q. Okay, and did people in your crew  
 15 change crews on a temporary basis from time to  
 16 time?  
 17 A. Yes.  
 18 Q. Okay. Explain to me how that  
 19 happened.  
 20 A. When the chicken catchers, when I was  
 21 crew chief --  
 22 Q. Right.  
 23 A. -- from time to time we would fall  
 24 short, one crew or another would fall short, and

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1 we would have catchers voluntarily go to another  
 2 crew or ask to go to another crew, yes.  
 3 Q. And did anybody on your crew ever ask  
 4 to go to another crew?  
 5 A. From time to time.  
 6 Q. And would you approve that?  
 7 A. It wasn't for me to approve. It was  
 8 for that catcher or my manager to approve.  
 9 Q. Well, let me ask the question this  
 10 way: Let's assume you had seven catchers on your  
 11 crew. And that's what you need to catch;  
 12 correct?  
 13 A. Yes.  
 14 Q. And one of those catchers said, "I  
 15 want to go to Mr. Garrison's crew."  
 16 A. After I got my work done.  
 17 Q. But I am talking about while your work  
 18 is being done.  
 19 A. No, no, because that would leave me  
 20 short.  
 21 Q. That's right. That's my point.  
 22 That's my point.  
 23 A. Uh-huh.  
 24 Q. So if he wanted to go to

19 (Pages 70 to 73)

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<p>1 Mr. Garrison's crew while you were still working,  2 you would tell him no?  3 A. If he was assigned to my crew, no.  4 Q. You would tell him no?  5 A. Right.  6 Q. Okay, that's fair enough. Now, after  7 your work was finished, if he wanted to go, you  8 would --  9 A. Yes.  10 Q. -- say fine, I assume, and you would  11 let him go?  12 A. Yes.  13 Q. Because your work is done; right?  14 A. Right, but Doug still had to know  15 about it.  16 Q. Oh, I am not saying he didn't have to  17 know about it, but I am saying you could let him  18 go, you could say, "Fine, we are finished. You  19 can now go work for Mr. Garrison," and then you  20 would tell Doug about it?  21 A. But I couldn't say no, he couldn't go.  22 Q. Okay, unless you were still working?  23 A. Right.  24 Q. Then you could. Okay, let's see. Let</p>	<p>1 Q. One, when you were a crew leader, did  2 you ever have any occasion to deal with the  3 people in accounting?  4 A. Yes.  5 Q. Okay, can you tell me what would cause  6 you to deal with the people in accounting?  7 A. When I was crew leader, at the time  8 they had something called petty cash. If a  9 catcher worked that day, he would get partial  10 pay, and I would have to go to the accounting  11 office and deal with whoever was working on the,  12 at the accounting office on that desk that  13 handled that.  14 Q. All right. Let me make sure I  15 understand what you just told me. If somebody on  16 your crew wanted like advance, an advance in  17 pay --  18 A. Yes.  19 Q. -- they would come to you --  20 A. Come to me.  21 Q. -- and you would go to accounting --  22 A. Yes.  23 Q. -- to get the money, and then you  24 would give it back to them?</p>
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<p>1 me ask you a couple of questions here.  2 I think we have already talked about  3 the fact that as a crew leader you make sure the  4 catchers, drivers and the forklift operators  5 follow those guidelines that we talked about?  6 A. Yes.  7 Q. You also interact with the grower,  8 don't you, you talk to the grower?  9 A. Yes.  10 Q. And you are supposed to, as a crew  11 leader, keep a good relationship with the grower,  12 aren't you?  13 A. Yes.  14 Q. As a crew leader, if one of your  15 catchers did something that you told them not to  16 do, you were able to give them an oral warning or  17 a verbal warning?  18 A. Yes.  19 Q. Okay, and did you ever do that?  20 A. Yes.  21 Q. Okay. Did you ever have occasion,  22 when you were a crew leader, to deal with the  23 people in accounting?  24 A. Could you repeat that question?</p>	<p>1 A. At first, yes.  2 Q. Okay. Let me just see if I have  3 copies of these. Let me just take a minute. I  4 am going to need some copies.  5 (Mr. Owens out to get copies.)  6 While Mr. Owens is doing that, let me  7 ask you a couple of questions.  8 A crew leader also has some  9 responsibility to tell the driver how to position  10 the truck, where to position the truck so it  11 could be loaded?  12 A. Yes.  13 MR. BREWER: We will have this marked  14 as Briddell 1.  15 (The reporter marked Briddell  16 Exhibit 1.)  17 MR. BREWER: Sir, I have given you a  18 packet of documents. Before we get to that,  19 let's make this exhibit two to this  20 deposition.  21 (The reporter marked Briddell  22 Exhibit 2.)  23 BY MR. BREWER:  24 Q. Mr. Briddell, take a look at what's</p>

20 (Pages 74 to 77)



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1 been marked as Exhibit 2.  
 2 A. Okay.  
 3 Q. This is what you were -- Is this what  
 4 you were referring to dealing with accounting?  
 5 A. Yes.  
 6 Q. I see there is a gentleman by the name  
 7 of Freddy Matthews?  
 8 A. Yes.  
 9 Q. Is he a catcher from your crew?  
 10 A. Yes.  
 11 Q. And what, he wanted \$60?  
 12 A. Yes, he wanted advance pay.  
 13 Q. Okay, and you approved it? Is that  
 14 your signature there?  
 15 A. Yes, it is.  
 16 Q. And you are showing that Mr. Matthews  
 17 received that money, the \$60?  
 18 A. Yes.  
 19 Q. And that was in July of 2002?  
 20 A. I don't remember.  
 21 Q. Okay, that's what the date says there.  
 22 Okay, can you tell me is that your writing where  
 23 it says 7/3/2002?  
 24 A. Yes.

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1 Q. That is your writing?  
 2 A. Yes.  
 3 Q. Okay.  
 4 MR. MARTIN: We are looking on the  
 5 front page; are we not?  
 6 MR. BREWER: Yes.  
 7 THE WITNESS: Yes.  
 8 BY MR. BREWER:  
 9 Q. All right, on page two, I can't  
 10 pronounce the person's last name. Do you know  
 11 who?  
 12 A. Collick.  
 13 Q. Mr. Collick?  
 14 A. Yeah.  
 15 Q. Do you know Mr. Collick?  
 16 A. Yes.  
 17 Q. How do you know him?  
 18 A. He worked on my chicken catching crew.  
 19 Q. And he is requesting an advance of  
 20 \$50?  
 21 A. That's correct.  
 22 Q. And that's basically on the same day,  
 23 July 3 of 2002?  
 24 A. Yes.

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1 Q. And I see you approved that?  
 2 A. Yes.  
 3 Q. And then gave him, counted the money  
 4 and gave it to him?  
 5 A. Yes.  
 6 Q. Okay, next page is Mr. Purnell?  
 7 A. Yes.  
 8 Q. Was he a member of your crew?  
 9 A. Yes.  
 10 Q. And he is requesting \$60?  
 11 A. Yes.  
 12 Q. It looks like July 3, 2002 again?  
 13 A. Yes.  
 14 Q. And you are approving that?  
 15 A. Yes.  
 16 Q. Okay. I see he didn't sign where it  
 17 says received. Did he get the money?  
 18 A. He signed on the wrong line.  
 19 Q. Oh, I see, I see where he signed.  
 20 Okay, the next one I see is a Mr. --  
 21 A. Gerald Fuchs.  
 22 Q. Oh, is that Fuchs?  
 23 A. Fuchs.  
 24 Q. Fuchs, I see, and he is requesting

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1 \$190.  
 2 A. Yes.  
 3 Q. And you approved -- It says received  
 4 by you and approved by him?  
 5 A. Yes.  
 6 Q. Is it signed -- You guys signed in the  
 7 wrong boxes? You didn't receive the money --  
 8 A. Right.  
 9 Q. -- and Mr. Fuchs didn't approve it,  
 10 did he?  
 11 A. No.  
 12 Q. You approved it?  
 13 A. Yeah.  
 14 Q. And he would receive it, okay. The  
 15 next one I see is where Mr. -- is it Finney?  
 16 A. Yes.  
 17 Q. Is Mr. Finney one of your crew  
 18 members?  
 19 A. Was.  
 20 Q. Was, okay. By the way, was Mr. Fuchs  
 21 one of your crew members?  
 22 A. Part time.  
 23 Q. Part time, okay. And Mr. Finney  
 24 wanted \$75?

21 (Pages 78 to 81)

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1 A. Yes.  
 2 Q. And you approved that?  
 3 A. Yes.  
 4 Q. Okay. Next I see Mr. Mike Filipe, is  
 5 it, or Phillip. Can you pronounce that last  
 6 name?  
 7 A. Phillips.  
 8 Q. Phillips, okay, and he wants \$95?  
 9 A. Yes.  
 10 Q. And you approved that?  
 11 A. Yes.  
 12 Q. And I see 5/21/2002. Is that the date  
 13 that you approved it?  
 14 A. I guess.  
 15 Q. Okay. Next is a Mr. -- Is it Sturgis?  
 16 A. Sturgis, Sturgis, yes.  
 17 Q. And he wanted \$125?  
 18 A. Yes.  
 19 Q. And you approved that?  
 20 A. Yes.  
 21 Q. And, lastly, we have Mr. -- Is it  
 22 Fuchs again, Fuchs, Mr. Fuchs wanting \$67. Is  
 23 that what he wants? Are you looking at that last  
 24 page with me?

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1 A. Yes, uh-huh.  
 2 Q. And it looks to be like \$67?  
 3 A. Yes.  
 4 Q. And you approved that?  
 5 A. Yes.  
 6 Q. And you went and got the money and  
 7 gave it to him. Okay, thanks.  
 8 All right, now, the next document that  
 9 I would like you to take a look at, let's take a  
 10 look at exhibit number one to your deposition,  
 11 sir. Okay?  
 12 A. Yes.  
 13 Q. If you look at the first page, you see  
 14 there is an employee name of Richard Foreman?  
 15 A. Yes.  
 16 Q. Do you know Mr. Foreman?  
 17 A. Yes.  
 18 Q. How do you know him?  
 19 A. He used to be one of my crew members.  
 20 Q. And Mr. Foreman is requesting, if I am  
 21 reading this correctly, three weeks of vacation,  
 22 but he only wants the money for it?  
 23 A. Yes.  
 24 Q. Okay, and you approved that down near

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1 the bottom?  
 2 A. Yes.  
 3 Q. Where it says supervisor, the box  
 4 approved is checked?  
 5 A. Yes.  
 6 Q. That's your signature?  
 7 A. Yes.  
 8 Q. The next page is Mr. Foreman again,  
 9 and he is requesting a floating holiday but he  
 10 only wants -- Again, he doesn't want the day off  
 11 here, does he?  
 12 A. Yes.  
 13 Q. He just wants the money, doesn't he?  
 14 A. Yes.  
 15 Q. And you approved -- Did you approve  
 16 this or not? I don't see a box checked.  
 17 A. Yes, I approved it.  
 18 Q. Okay. Mr. Ray Leonard, do you know  
 19 Mr. Leonard?  
 20 A. Yes, I do.  
 21 Q. How did you know him?  
 22 A. Working with him, a relative, but he  
 23 wasn't on my crew.  
 24 Q. He wasn't on your crew?

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1 A. No.  
 2 Q. What did he do for the company, if you  
 3 know?  
 4 A. Chicken catcher.  
 5 Q. Oh, he was a catcher?  
 6 A. Right.  
 7 Q. But not on your crew?  
 8 A. No.  
 9 Q. Okay, and he wanted, he wants a  
 10 floating day, a calendar day, but money only?  
 11 A. Yes.  
 12 Q. And by money only, that means he  
 13 doesn't want the day off, he just wants to be  
 14 paid for the day and he will also work; correct?  
 15 A. Right.  
 16 Q. And you approved that?  
 17 A. No, that's not my signature.  
 18 Q. Okay. And again Mr. -- I see  
 19 Mr. Leonard again. Is that your signature at the  
 20 bottom approving it?  
 21 A. No.  
 22 Q. Okay. Do you know whose that is?  
 23 A. No.  
 24 Q. Let's go to Mr. Purnell. He is asking

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22 (Pages 82 to 85)

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1 for vacation. Do you know Mr. Purnell?  
 2 A. Yes.  
 3 Q. How do you know him?  
 4 A. He was one of my crew members.  
 5 Q. Okay, and he is asking for vacation?  
 6 A. Yes.  
 7 Q. And it looks like he wants two weeks  
 8 vacation, but again he wants to be paid for them  
 9 and he will continue to work?  
 10 A. Yes.  
 11 Q. And is that your signature?  
 12 A. Yes.  
 13 Q. Supervisor, okay, and you are  
 14 approving that?  
 15 A. Yes.  
 16 Q. Again, Mr. Purnell is requesting two  
 17 weeks of vacation for money only? Do you see  
 18 where I am?  
 19 A. Yes, I am with you.  
 20 Q. And you approved that?  
 21 A. Yes.  
 22 Q. That's your signature?  
 23 A. That's my signature.  
 24 Q. Mr. Purnell again requesting a

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1 anniversary day, money only, it looks like a  
 2 calendar and an anniversary, although I guess it  
 3 says both. Did you approve that, sir?  
 4 A. Yes.  
 5 Q. Again with Mr. Purnell, is that your  
 6 signature on the bottom of this page?  
 7 A. No.  
 8 Q. You have no idea whose it is?  
 9 A. No.  
 10 Q. The next document, again dealing with  
 11 Mr. Purnell, he is requesting a floating holiday,  
 12 but he again just wants the money. And did you  
 13 approve that?  
 14 A. Yes.  
 15 Q. Is that your signature?  
 16 A. Yes, it's my signature.  
 17 Q. Okay. The next document is a Ricky  
 18 Sturgis, is it?  
 19 A. Yes.  
 20 Q. Do you know Mr. Sturgis?  
 21 A. Yes.  
 22 Q. How do you know him?  
 23 A. He is one of my crew members.  
 24 Q. Okay, and he is requesting a floating

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1 personal day, money only, and is that your  
 2 signature? Did you approve that?  
 3 A. Yes.  
 4 Q. Next, Mr. Purnell again, he is  
 5 requesting two weeks of vacation for money only.  
 6 Is that your signature approving that?  
 7 A. No.  
 8 Q. That's not your signature approving  
 9 that. Okay. Mr. Purnell again, requesting money  
 10 only for a floating holiday. Did you approve  
 11 that, sir?  
 12 A. Yes.  
 13 Q. Okay, because I didn't see a box  
 14 checked. That's why I asked.  
 15 A. Right. What's the date on that?  
 16 What's the --  
 17 Q. I'm sorry, which page are you  
 18 referring to now?  
 19 A. Warren Purnell.  
 20 Q. What is the --  
 21 A. It's 4/26, what is that, '93?  
 22 Q. Yes, that's his date of hire.  
 23 A. Okay, yes.  
 24 Q. Okay. Mr. Purnell again requesting an

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1 holiday but he only wants money?  
 2 A. Yes.  
 3 Q. And is that your signature approving  
 4 it?  
 5 A. Yes.  
 6 Q. Mr. Sturgis again is requesting four  
 7 weeks of vacation, to be paid for it, and he will  
 8 continue to work those four weeks, I am  
 9 gathering, where it says money only; correct?  
 10 A. That's correct.  
 11 Q. And is that your signature approving  
 12 it?  
 13 A. Yes.  
 14 Q. Mr. Sturgis again is requesting a  
 15 floating holiday. Is that your signature  
 16 approving this?  
 17 A. Yes.  
 18 Q. Oh, I'm sorry, I shouldn't say  
 19 approving it. I don't see a box checked. Did  
 20 you approve it?  
 21 A. My signature is there.  
 22 Q. Okay. Mr. Sturgis again, he wants  
 23 vacation all weeks due, he says, and he only  
 24 wants the money, and is that your signature at

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23 (Pages 86 to 89)

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<p>1 the bottom approving that?  2 A. Yes.  3 Q. Mr. Sturgis again is requesting two  4 days off, the 20th and the 21st. Do you see  5 that?  6 A. Yes.  7 Q. And is that your signature?  8 A. Yes.  9 Q. And did you approve it, because I  10 don't see a box checked?  11 A. Yes.  12 Q. You approved those two days off for  13 him. The next one is a Mr. Tindley,  14 T-I-N-D-L-E-Y. Is that how you say his name,  15 Tindley?  16 A. Yes.  17 Q. Do you know Mr. Tindley?  18 A. Yes.  19 Q. How do you know him?  20 A. He is one of my crew members.  21 Q. And he is requesting an anniversary  22 day, but he only wants the money for it; is that  23 right?  24 A. Yes.</p>	<p>1 A. Yes.  2 Q. Okay. Mr. Robert Wise, is that your  3 signature?  4 A. Yes.  5 Q. And he is asking for a floating  6 holiday?  7 A. Yes.  8 Q. But only the money, okay. Mr. Wise,  9 did you know Mr. Wise?  10 A. Yes.  11 Q. How do you know him?  12 A. Crew member.  13 Q. One of the members of your crew?  14 A. Yes.  15 Q. And Mr. Wise again is requesting a  16 week vacation?  17 A. Yes.  18 Q. But he only wants the money?  19 A. Yes.  20 Q. Is that your signature, sir?  21 A. Yes.  22 Q. And you approved it. Mr. Finney, do  23 you know Mr. Finney?  24 A. Yes.</p>
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<p>1 Q. And is that your signature?  2 A. No.  3 Q. Mr. Tindley again, down at the bottom,  4 is that your signature?  5 A. No.  6 Q. Mr. Tindley again, is that your  7 signature?  8 A. Yes.  9 Q. And he is requesting some vacation, he  10 wants four weeks of vacation, but he only wants  11 the money.  12 Okay, Mr. Tindley again is requesting  13 an anniversary day. He only wants the money; is  14 that right?  15 A. Yes.  16 Q. And is that your signature?  17 A. No.  18 Q. Okay. The next page for Mr. Tindley,  19 four weeks vacation again. Is that your  20 signature at the bottom?  21 A. Yes.  22 Q. And he again wants four weeks  23 vacation, he only wants the money. And did you  24 approve that?</p>	<p>1 Q. And how do you know him?  2 A. He was one of my crew members.  3 Q. And he is requesting a, it looks like  4 a week's vacation, but he only wants the money.  5 Am I correct on that?  6 A. That's correct.  7 Q. And is that your signature?  8 A. Yes.  9 Q. Did you approve this or not?  10 A. Yes.  11 Q. You approved it?  12 A. Yes.  13 Q. Looking at Mr. Foreman, is that,  14 Bardel Foreman?  15 A. Yes.  16 Q. Do you know Mr. Foreman?  17 A. Yes.  18 Q. How do you know him?  19 A. One of my crew members.  20 Q. And he is requesting a week's  21 vacation?  22 A. Yes.  23 Q. And he only wants the money?  24 A. Right.</p>

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